

An Impartial
RÉLATION
Of the whole
Proceedings

AGAINST
St. Mary Magdalen COLLEDGE
In O X O N,

In the Year of our LORD 1687.

CONTAINING
Only Matters of Fact
As they Occurred.

Jenny Fairfax

* *
*

Printed in the Year 1688.

RELATION

Proceedings

ADA
St. Mary's College
In O. M.

In the Year of our Lord 1888

July Session of 1888

As the

Union Theol. Sem. Library

MCALPIN

1688

tf167

A T A B L E.

A Narrative of the Election of Dr. Hough President of St. Mary Magdalen Colledge, Oxon, 1687:	Page 1
A Copy of the King's Mandate to the Fellows of Magdalen Colledge	3
A Copy of Magdalen Colledge's Petition	ibid.
A Copy of the Lord Sunderland's Letter to the Fellows	4
The Case of the Vice-President and Fellows of St. Mary Magdalen Colledge in Oxon, in their Election of a President	ibid.
A Copy of a Letter to the Duke of Ormond, April the 18th, 1687.	5
A Copy of the Bishop of Winton's Letter to the President of the Council,	ibid.
A Copy of the Citation to the Vice-President and Fellows, for to appear at White-hall, June the 6th, 1687.	6
The Answer of the Vice-President, and other Fellows of Magdalen Colledge in Oxon, who were deputed by the said Colledge, to the Question propounded by the Right Honourable and Right Reverend the Lords Commissioners for Ecclesiastical Affairs, VIZ.	
Why they did not Obey His Majesty's Letter requiring them to Elect and Admit Mr. Anthony Farmer President of the said Colledge?	ibid.
The Fellows Reasons why they Elected not Mr. Farmer, &c.	8
Copies of Letters and Certificates delivered to the Lords Commissioners for Ecclesiastical Affairs, June 27, 1687.	9
Some Clauses of particular Statutes to which the Case relates	11
Part of the Oath which every Fellow takes when admitted	12
A Copy of Dr. Hough's Deprivation, by His Majesty's Commissioners for Ecclesiastical Affairs, &c.	ibid.
A Copy of Dr. Aldworth's and Dr. Fairfax's Suspension	13
A Copy of the King's Inhibition to Magdalen Colledge	ibid.
A Copy of His Majesty's Mandate for the Bishop of Oxon to be President	14
	A

A T A B L E.

<i>A Copy of the Lord Sunderland's Letter to the Senious Fellow of St. Mary Magdalen Colledge in the University of Oxon, or in his absence, to the Senious Fellow residing there</i>	ibid.
<i>A Copy of the Bishop of Oxon's Letter to the Senious Fellow of St. Mary Magdalen Colledge in the University of Oxon, or in his absence, to the Senious Fellow residing there</i>	15
<i>An Account of what passed at Christ's Church, Oxon, September the 4th, 1687.</i>	ibid.
<i>A Copy of the Petition offer'd at Oxford, Sept. the 4th, 1687.</i>	16
<i>A Copy of the Address which the Fellows of St. Mary Magdalen Colledge gave to the Lord President of the Council, Sept. the 6th, 1687, and which was delivered His Majesty at the Bath</i>	17
<i>A Copy of a Letter directed to Dr. Bayly, Fellow of Magdalen Colledge, Oxon, supposed to be Written by Mr. W—— P——</i>	ibid.
<i>The Answer to the aforementioned written Letter, Dated October the 3d, 1687.</i>	18
<i>Some Queries sent to the Fellows of Magdalen Colledge from Windsor, Sept. 15. 1687.</i>	20
<i>An Answer to several Queries to the Vice-President and Fellows of Magdalen Colledge in Oxon, sent from Windsor, Dated the 25th of September, 1687.</i>	ibid.
<i>An Account of the Visitation of St. Mary Magdalen Colledge in Oxon</i>	22
<i>Dr. Fairfax's Case before the Commissioners at Oxon, Oct. 22. 1687.</i>	27
<i>Dr. Hough's Protestation</i>	28
<i>A Copy of Dr. Stafford's and Dr. Fairfax's Plea</i>	29
<i>Dr. Fairfax's Expulsion</i>	31
<i>His Protestation</i>	ibid.
<i>The Fellows Submission which they offered, and was refused by the Lords Commissioners</i>	33
<i>The Suspension of Mr. George Fulham</i>	34
<i>The Lord Bishop of Chester's Speech</i>	ibid.
<i>The Form of the Submission tendered by their Lordships, but was refused by the Fellows</i>	37
<i>The Expulsion of Dr. Charles Aldworth, and twenty four Fellows</i>	39
<i>The Decree that Incapacitates them from receiving any Benefices</i>	ibid.
<i>The Expulsion of fourteen Denies by the Bishop of Oxon</i>	40

The Bishop of Winton's LETTER to the Lord President
of the Council.

My Honoured Lord,

THE Obligation I have upon me as Visitor of St. Mary Magdalen Colledge in Oxon, occasions this Address: For I am inform'd that great endeavours are us'd with his Majesty to recommend one Mr. Farmer, who is not at present, nor ever was Fellow of the Colledge, to be President of it; which is directly contrary to the Statutes of the Founder, (as I am confident some who promote Mr. Farmer's interest, cannot be ignorant of:) And were there not many Persons now actually Fellows, and several who have been (in particular the Bishop of Man, and Dr. Jesop) very eminent for Learning and Loyalty, and every way

qualified according to the Statutes, I should not press your Lordship to lay the Concern of the Colledge (which hath upon all occasions express'd its Zeal and forwardness in Defence of the Crown, and (as I particularly know) in the great Affairs of the Succession) before his Majesty; who, I hope, will leave them to their Rules as the Statutes, which have hitherto (excepting in the times of Rebellion) been conscientiously observed, and which will be the best satisfaction to the truly Loyal University, and promote his Majesty's Service, which has always been the Endeavour of

Your Lordships

Most Humble Servant.

Note, This should follow the Letter to the Duke
of Ormond, pag. 5.

ERRATA

PAge 3. line 2. read *all and singular*. p. 5. In the Letter to the Duke of Ormond,
l. 1. r. *and Fellows of*. p. 7. l. 39. read *April 18th*. p. 11. l. 27. r. *Before he can*
give his Vote in. p. 12. l. 9. r. *if it shall happen that*. p. 26. l. 38. for *which* r. *what*.
p. 30. l. 27. dele *which Letters is as follows*. p. 37. l. 13. *Paper all*.

A
NARRATIVE
 OF THE
Election of D^r Hough,

President to S^t Mary Magdalen Colledge,

O X O N. 1 6 8 7.

THE Presidentship of *St. Mary Magdalen* Colledge, in the University of *Oxon*, being void by the death of *Dr. Henry Clerk*, late President of the same, the Vice-President gave notice to all the Fellows present in the Chappel, on *Thursday* the 31 of *March*, 1687; where it was unanimously agreed, to proceed to the Election of a President, on *Wednesday* the 13 of *April* following, at Nine of the Clock in the Morning, in the Chappel: And in order thereto, the Vice-President caused a Citation to be fix'd on the Chappel-Door of the said Colledge, signifying the Vacancy, Time, and Place of the Election; according to the direction of the Statutes. But before the day of Election, being credibly informed, that his Majesty had been pleas'd to grant his Letters Mandatory, in behalf of *Mr. Anthony Farmer*, they most humbly represented to his Sacred Majesty, in their Petition bearing Date *April* 9th, That the said *Mr. Farmer* was incapable, by their Statutes, of being President; and therefore did most humbly pray his Majesty to leave them to a Free Election, or recommend such a Person to them, as was capable by their Statutes. *Monday*, *April* 11th, his Majesty's Letters Mandatory, were delivered

by the hands of *Mr. Robert Chernock*, Master of Arts, and Fellow of the said Colledge, directed to the Vice-President and Fellows of *Magdalen* Colledge, in *Oxon*, requiring them forthwith to Elect the said *Mr. Farmer*, and admit him President: Which Letter the Vice-President read in the Chappel of the said Colledge, between the hours of four and five of the Clock in the same day, after Evening-Service, before the Fellows of the Colledge, there present, and asked them, Whether they in Obedience to his Majesty's Letters, would forthwith Elect and Admit *Mr. Farmer* President? Who all agreed, in consideration to *Mr. Farmer's* not being Qualified, and the danger of Expulsion to any of the Fellows that should be absent from the Election, and that the time of Election, according to the Citation, was so near, to defer their Answer till *Wednesday* following: Whereupon the Vice-President required all the Fellows to be present in the Chappel the said *Wednesday* Morning at nine of the Clock. All the Fellows being then met, the Vice-President read the Statute *De Electione Presidentis*; and the Statute 5 *Eliz.* against corrupt Elections, was read also; after which the Vice-President read the King's Letter in behalf of *Mr. Farmer*, and

B the

the second time demanded an Answer of the Fellows thereto. Their Answer was to this effect: That having a Petition now lying before his Majesty, they ought not to proceed to Election, till they had received his Majesty's Answer to the same: And thereupon they all agreed, (except Mr. Charnock) that the Election should be deferred: which was accordingly done, until the next Morning nine of the Clock.

Thursday, April 14th, at nine a Clock in the Morning, all the Fellows being met, the Vice-President told them, That the Election of a President had been deferred upon account of their Petition to his Majesty, in Answer to which, they had not then received his Majesty's Pleasure; that the next day was the utmost time they could defer the Election by the Statutes, and therefore it was necessary they should come to some Resolution: he told them farther, That the King had commanded them to Elect Mr. Farmer, and asked their Sense therein: Which was unanimous (except Mr. Charnock) that the Election should be deferred till the next morning eight of the Clock; and in order thereunto, the Sacrament to be administered first; and accordingly it was Adjourned.

Friday, April 15th, at eight a Clock in the Morning the Vice-President and Fellows being met, Dr. Tho. Smith and Capt. Bagshaw, two of the Fellows, acquainted the rest, from my Lord President of the Council, That in Answer to their Petition, his Majesty having sent his Letter to the Colledge, expected to be Obeyed. After which, the Vice-President read again the King's Letter to them, and asked, Whether in Obedience thereunto, they would Elect and Admit Mr. Farmer President? They answered, That they desired they might proceed to an Election. Then the Vice-President having proposed, Whether, having received his Majesty's Pleasure in Answer to their Petition, they would make any further Address? The Vice-President, Dr. Fairfax, Dr. Pudsey, and Dr. Tho. Smith, were for a second Address; but all the rest declared immediately for proceeding to the Election.

Then the Vice-President proposed, Whether they would go to an Election *Viva voce*, or by Scrutiny? The Vice-President, Mr.

Thompson, and Mr. Charnock, were for proceeding to an Election *Viva voce*; all the rest were for going to an Election by Scrutiny, except Dr. Tho. Smith, who was not for going to Election, until the King should again be Petitioned.

This therefore being their Sense, That they ought to proceed to the Election of a President according to the Statutes, and this the last day limited for Election: In order thereunto, the holy Sacrament was solemnly taken by all, except Mr. Charnock. Then the Statute *De Electione Presidentis*, and § *Eliz.* against corrupt Elections was read by the Vice-President. Every one took the Oath prescribed in the Statutes to be taken in order to the Nomination of a President (except Mr. Thompson and Mr. Charnock who refused it): And the 2 Senior Fellows were sworn Scrutators in the Scrutiny of the whole Society: For the Nomination of a President, Mr. Hough and Mr. Maynard had each of them the major part of all the Voices; and were accordingly pronounced by the Senior Scrutator, *Nominati in Ordine ad Electionem Presidentis*: Then the thirteen Senior Fellows being met to Elect one of these two President; and every one of them sworn according to the Statute; eleven of them Elected Mr. Hough, who was accordingly pronounced President of St. Mary Magdalen Colledge, in Oxon. by the Senior Scrutator, in the presence of all the Fellows: and Mr. Maynard was appointed by the thirteen Senior Fellows, to present the said President Elect, to the Visitor, in order to his Admission. After this, Mr. Thompson and Mr. Charnock declared, *Viva voce* for Mr. Farmer; according to his Majesty's Letter.

Saturday, April 16th, Mr. Hough, President Elect, was presented to the Visitor by Mr. Maynard, who at the same time delivered to his Lordship an Instrument under the Colledge Seal, containing the Proceedings of the Election; after a sight whereof, Mr. Hough was Sworn and Admitted President by his Lordship, according to the Statutes.

Sunday, April 17th, Mr. Hough at his return to the Colledge, took the same Oath again before the Society, and afterwards, as President, took his Seat in the Chappel, at four a Clock Prayers in the Afternoon.

A Copy of the King's Mandate to the Fellows of *Magdalen* Collodge.

JAMES REX.

Trusty and well-beloved, We greet you well. Whereas we are well satisfied, of the Piety, Loyalty, and Learning of our Trusty and Well-beloved Anthony Farmer, Master of Arts, of that your Collodge of St. Mary Magdalen; We have thought fit hereby effectually to recommend him to you for the place of President of our said Collodge, now void by the Death of Doctor Clark, late President thereof; willing and requiring you forthwith, upon receipt hereof, to E-

lect and Admit him the said Anthony Farmer, into the said place of President, with all singular the Rights and Priviledges, Emoluments and Advantages therunto belonging, any Statute, Custom, or Constitution to the contrary notwithstanding; wherewith We are Graciously pleased to Dispenze with in this behalf. And so, not doubting of your Compliance herein, We bid you Farewell.

Given at Our Court at *White-Hall*, the Fifth Day of April, 1687, in the Third Year of Our Reign.

A Copy of *Magdalen* Collodge's Petition.

To the King's Most Excellent M A J E S T Y.

The Humble Petition of the Vice-President and Fellows of St. Mary Magdalen Collodge, in Oxon.

Most Humbly sheweth,

WE have been credibly Informed, That Mr. Anthony Farmer, who was not of our Foundation, has obtained Your Most Excellent Majesty's Recommendation to be President of Your Majesty's Collodge, in the room of Dr. Henry Clark, Deceased.

We therefore, with all Submission, as becomes Your most Dutiful and Loyal Subjects, most humbly Represent to Your Sacred Majesty, That the said Mr. Farmer is a Person in several respects Un-

capable of that Character, according to our Founder's Statutes: And do most earnestly beseech Your Majesty, as Your Majesty shall judge fittest in Your most Princely Wisdom, either to leave us to the discharge of our Duty, and Conscience, according to Your Majesty's late most Gracious Toleration, and our Founder's Statutes; or to Recommend such a Person who may be more Serviceable to Your Majesty, and to this Your Majesty's Collodge:

And Your Petitioners shall ever Pray, &c.

A Copy of the Lord Sunderland's Letter to the Fellows.

Gentlemen,
THe King being given to understand, That notwithstanding his late *Mandate*, sent to you for Electing Mr. *Farmer* to be President of your Colledge, you have made choice of another person; His Majesty commands me to tell you, He is much surpris'd at these

Proceedings, and expects you should send me an Account of what pass'd on that Occasion, and whether you did receive His Majesty's said *Letters Mandate*, before you chose Dr. *Hough*. I am,

GENTLEMEN,

Your Affectionate and Humble Servant,

Sunderland.

The CASE of the Vice-President and Fellows of St. Mary Magdalen Colledge, in Oxon. in their late Election of a President.

UPon the Notice of the Death of Dr. *Henry Clark*, Late President of St. Mary Magdalen Colledge in Oxon; the Vice-President call'd a Meeting of the Fellows, in order to appoint a day for the Election of a new President. The 13th of April was the day prefix'd; with power to prorogue the Election to the 15th, as they should see cause, beyond which time it was not in their power to defer the same. This being agreed, a Citation, or Præmonition was fix'd upon the Chappel-door of the Colledge, signifying the same; and summoning all the absent Fellows to repair home to the ensuing Election, as the Statute in that case directs. After this, upon the 11th of April, they receiv'd His Majesty's Letter in behalf of Mr. *Farmer*, requiring them to elect and admit him President: But he having never been Fellow of that Colledge, nor New-Colledge, in which are the only Persons capable of being chosen by the Statutes; and wanting likewise such personal Qualifications as are required in the Character of a President, they did not imagine it was, or could be His Majesty's Pleasure, that they should act so directly contrary to the express Words of

their Statutes, to which they are strictly and positively sworn: But did humbly conceive they were bound in Duty to believe, that His Majesty had been misinformed in the Character and Capacity of Mr. *Farmer*. And therefore on the 15th of April, the last of those days within which they were confin'd to finish the Election, they proceeded to a choice, and having first received the Blessed Encharist, and taken an Oath as the Founder enjoyns, to choose a Person so qualified, as is there specified; they did elect the Reverend Mr. *John Hough*, Batchellor in Divinity, who is a Person every way qualified by the Statutes of the said Colledge: And if it shall be objected that His Majesty did in His Letter for Mr. *Farmer*, graciously dispense with all the Statutes that rendered him incapable of being elected; and that therefore they might have obeyed without breach of their Oaths: They humbly beg leave to represent, that there is an express Clause in that Oath, which every Man takes when he is admitted Fellow of the Colledge; wherein he swears not to procure, accept, or make use of any Dispensation from his Oath, or any part thereof, by whomsoever

soever procured, or by what Authority soever granted. As to their former practice when they have elected in obedience to the King's Letter heretofore; it has been always in such cases where the persons recommended have been every way qualified for the Office by their Statutes; In which cases they always have been; and ever will be, ready to comply with His Majesty's pleasure; it not

being without unspeakable regret, that they disobey the least of His Commands. They know how intirely their welfare depends upon the Countenance of their Prince; nor doth any thing more deeply affect and grieve their Souls, then when they find themselves reduc'd to this unfortunate necessity, of either disobeying his Will, or violating their Consciences by notorious Perjuries.

A Copy of a Letter to the Duke of Ormond, April 18th, 1687.

May it please your Grace,

WE the President, and of *Magdalen College in Oxon*, sensible of the Benefits and Honour we enjoy under your Grace's Patronage, and how much it imports us to have your Advice in all the Difficulties wherewith we are press'd; having, as we fear, displeased His Majesty, in our Election of a President; do humbly beg leave to represent to your Grace, a true state of our Case, and hope you will please to inform the King how incapable we were to perform His Commands.

His Majesty was pleased on the Death of *Dr. Henry Clark*, President of *St. Mary Magdalen College*, to Command us by His Letter, to elect, and admit, *Mr. Anthony Farmer* in that Office, a Person utterly incapable of it by our Statutes; as we are ready to make appear in many particulars; and since we have taken a positive Oath of obedience to them, and that exclusive to all Dispensations whatsoever; we humbly conceive we could not obey that Command in favour of *Mr. Farmer*; unless he had brought those Qualifications with him, which our Founder requires in the Person of the President; and being confined

as to the time of Election, we have been forced to proceed to the choice of one, who has approved his Loyalty in the whole course of his Life, and whom we think suitably qualified for the place.

May it therefore please your Grace to interpose with His Most Sacred Majesty for us, that that we may not lye under the weight of His Displeasure, for not being in a capacity for obeying his Commands. We know him to be a Prince of eminent Justice, and Integrity, and cannot think he will value any instance of Duty to himself, which manifestly breaks in upon the obligation of our Consciences. And your Grace's extraordinary unblemish'd Loyalty to the Crown, and that regard which we assure our selves, our Most Honoured Lord, and Chancellor, has to the Peace and Welfare of this Place, induceth us to presume your Grace will omit no endeavours to set before His Majesty, the true Reason and Necessity of our Proceedings. That God Almighty protect your Grace, shall be the daily Prayers of,

May it please your Grace, &c.

A Copy of the Citation to the Vice-President, and Fellows, for to appear
at *White-Hall*, *June* the Sixth, 1687.

By His Majesty's Commissioners for Ecclesiastical Causes, and for the Visitation of
the Universities, and of all, and every Cathedral and Collegiate Churches, Col-
ledges, &c.

Complaint having been made unto Us, that the Vice-President, and Fellows of *St. Mary Magdalen* Colledge in *Oxon*, have refused to comply with His Majesty's Letters Mandatory, for electing and admitting *Mr. Anthony Farmer* President of the same Colledge, in the room of *Dr. Clark* deceased, and that notwithstanding his Majesty's Letters they have elected *Mr. John Hough* President of the said Colledge: You and either of

you are hereby requir'd to Cite & Summon the said Vice-President & Fellows, requiring'em, or such of the said Fellows as they shall depute in their behalf, to appear before Us in the Council-chamber at *White-Hall*, upon *Monday* the Sixth of the next Month of *June*, at Four in the Afternoon, to answer to such Masters as shall be objected against them, concerning the Premises, and of the due execution thereof: You are to certify Us then and there,

Given under our Seal
the 28th of May,
1687.

To *Thomas Atterbury*,
and
Robert Eldows,
Or to either of them.

The Answer of the Vice-President, and other Fellows, of *Magdalen-Colledge* in
Oxon, who were deputed by the said Colledge, to the Question propounded by
the Right Honourable, and Right Reverend, the Lords Commissioners for Ec-
clesiastical Affairs, Viz.

Why they did not obey His Majesty's Letter, requiring them to Elect,
and Admit *Mr. Anthony Farmer* President of the said Colledge?

THE said Vice-President, and other deputed Fellows answered and said, That the said Colledge of *St. Mary Magdalen* in *Oxon* is a Body Corporate, governed by Local Statutes, granted and confirmed to them by His Majesty's Royal Predecessor, *King Henry* the 6th, for Him and His Heirs and Successors, under the Great Seal of *England*, which are also since confirmed by several other Letters Patents of others of His Majesty's Royal Predecessors, under the Great Seal of *England*. That by the said Statutes of the Colledge (to

the observation of which, each Fellow is (worn) it is ordered that the Person elected President thereof, shall be a Man of good Life and Reputation, of approved Understanding, and good Temper, Discreet, Provident, and Circumspect, both in Spiritual and Temporal Affairs. And at the time of Election of a President, the said Fellows are bound by the said Statutes, to take an Oath that they shall nominate none to that Office, but such as are, or have been Fellows of the said Colledge, or of *New-Colledge* in *Oxon*; or if they are not actually

ally Fellows at that time of Election; that they be such as have left their Fellowships in their respective Colleges upon credible accounts. And when two qualified persons shall be nominated at the time of Election, by the greater number of all the Fellows, to the said Office of President; the thirteen Seniors also swear that they will Elect one of them, whom in their Consciences they think most proper and sufficient, most discreet, most useful, and best qualified for the Place; without any regard to love, hatred, favour, or fear. And every Fellow when he is first admitted into his Fellowship in the said College, swears that he will inviolably keep and observe all the Statutes and Ordinances of the College, and every thing therein contained, so far as does or may concern him, according to the plain, literal, and grammatical sense and meaning thereof, and as much as in him lies will cause the same to be kept and observed by others; and that he will not procure any Dispensation contrary to his aforesaid Oath, or any part thereof, nor contrary to the Statutes and Ordinances to which it relates, or any of them; nor will he endeavour that such Dispensation shall be procured by any other, or others, publicly or privately, directly or indirectly. And if it shall happen that any Dispensation of this sort, of whatsoever Authority it shall be, whether in general or particular, or under what form of Words soever it be granted, that he will neither make use of it, nor in any sort consent thereunto. That upon Notice of the Death of Dr. Clark Late President of the said College, the Vice-President called a Meeting of the said Fellows, in order to the appointing a day for the Election of a new President, and the 13th of April was the time prefix'd, with power to prorogue the same as they should see cause, till the 15th, beyond which time they could not statutorily defer their Election, and in pursuance thereof a Citation, or Premonition, was fix'd upon the Chappel-door of the said College, signifying the same, and by which the absent Fellows were Summoned to repair home, as the Statute in the Case requires,

And the said Vice-President, and other deputed Fellows farther say, that on the 11th of April aforesaid, they received His Majesty's Letters Mandatory, to Elect and Admit the said Mr. Anthony Farmer President of the said College: But so far as the said Vice-President, and Fellows, apprehended the right of Election to be in them, and believed His Majesty never intended to dispossess them of their Rights: And so far as the said Mr. Farmer had never been Fellow either of Magdalen, or New-College in Oxon, and had not those Qualifications which in, and by, the said Statutes of the College are required in the Character of a President, as they in their Consciences did, or do verily believe; and in regard that they could not comply with His Majesty's Letter, without the violation of their Oaths, and hazard of their legal Interest and Property, wherewith they are by their Statutes possessed, and which by their Oaths they are bound to maintain, they represented the same by their humble Petition to His Majesty. And having deferred their Election of a President to the last day limited by their Statutes, then they proceeded to Election, and having first received the Eucharist, and taken the said Oaths, as the Statutes enjoin, to choose a Person so qualified as is before expressed, they did Elect the Reverend Mr. John Hough B. D. and one of the Fellows of their College, a Person every way qualified to be President, who has been since confirmed by the Bishop of Winton their Visitor, as the Statutes of the said College direct.

And that they might not lye under His Majesty's Displeasure by their Proceedings, they did on the 19th of April make an humble representation thereof to His Majesty, by his Grace the Duke of Ormond, Chancellor of the University of Oxon, setting forth their indispensable obligations to observe their Founder's Statutes.

All which Matters the Vice-President, and other deputed Fellows, do humbly offer to your Lordships, and pray to be dismissed with your Lordships favour.

The Fellows Reasons why they Elected not Mr. Farmer, &c.

WHereas the Vice President, and other deputed Fellows of *St. Mary Magdalen Colledge in Oxon*, have in their Answer to your Lordships, set forth, that by the Statutes of the said Colledge, it is ordered, That the Person to be elected President thereof, should be a man of good Life and Reputation, and of good Manners and Temper; and likewise, that *Mr. Anthony Farmer* hath not those Qualifications which in and by the said Statutes are requir'd in the Character of a President, as they in their Consciences did and do verily believe. They humbly crave leave to represent to your Lordships some of those Reasons which induced them to such belief, viz.

That *Mr. Farmer* did mis-behave himself in *Trinity Colledge in Cambridge*: That he received Admonition from the Master of the Colledge, in order to his Expulsion; which remains in the Register of the said Colledge, under his own hand.

That having left *Cambridge*, he taught School at *Chippenham in Wiltshire*, under a Nonconformist Minister, without License.

That in *September 1683*, the said *Mr. Farmer* was entred in *St. Mary Magdalen Hall in Oxon*, where such frequent Complaints were brought against him to the Principal, for his

troublesome humour and unquiet temper, that to preserve the Peace of the Society, he was desired to leave the said Hall.

That after his leaving *Magdalen Hall*, he was admitted into *Magdalen Colledge*, where discoursing about Religion, he declared, That there was no Protestant but would cut the Kings Throat: notwithstanding which, at other times he declared to some of the Fellows of the said Colledge, That whatsoever he pretended, he was really a Member of the Church of *England*; and that he made an Interest with some Roman Catholics, only to get Preferment by their means, and for that reason was willing to be thought of their Religion.

That at the very time when his Majesty's Letter came to the Colledge in his behalf, the said *Mr. Farmer* was at *Abbingdon* in very ill Company, where he continued drinking to excess two or three days and nights together; and amongst other Disorders, was one of those that then in the night-time threw the Town-Stocks into the River: and that in general the said *Mr. Farmer* hath had the unhappiness to lie under an ill Fame, as to his Life and Conversation, as by several Letters and Certificates, ready to be produced, will more largely appear.

Copies of Letters and Certificates delivered to the Lords Commissioners for Ecclesiastical Affairs, June 27. 1687.

I *Anthony Farmer*, Batchelour of Arts, and Scholar of this Colledge, do confess, That I have behav'd my self very unlike a Member of this Colledge, and even a Christian, at the Dancing-School: for which I

humbly ask Pardon, and do acknowledge before the Seniority, that I have deservedly received of the Master my first Admonition in order to Expulsion.

Trinity Coll. Camb.

June 11. 1678.

Anth. Farmer.

This is a true Copy of *Anth. Farmer's* Admonition, attested by us whose Names are hereunto under-written.

*Hamph Babington,
John Hawkins,
Benj. Pulver,
John Loughton,*

Vice Magist. Deput.

II. These are to certify, That *Mr. Anth. Farmer* was Usher to *Mr. Benj. Flower*, a Nonconformist Preacher in the Town of *Chippingham* in the County of *Wilts*, for the space of half a year or upwards, the said

Mr. Flower keeping School without License from the Bishop, and the said *Mr. Farmer* continuing his Usher for the time mentioned, without any License also. Witness our hands,

*Will. Eddy, Vicar.
Will. Loude.
Will. Gale.*

III. *Mr. Anthony Farmer* was entred of *St. Mary Magdalen Hall* in *Oxford*, *Septem. 1. 1683*. Where, after he had been some time, frequent Complaints were brought to me by some of the Masters, that he raised Quarrels and Differences amongst them; that he often occasioned Disturbances, and was of a troublesome and unpeaceable humour.

Whereupon, that Love and Friendship might be preserv'd and continu'd in the Society, as it used to be, I advised the said *Mr. Farmer* to make tryal if he could live more easily and quietly in some other House. Accordingly he did voluntarily leave the Hall *July* the 13th 1683; and got himself admitted into *Magdalen Colledge*.

William Ervin, Principal.

IV. I Do certifie, That Mr. William Bambrigg, Gentleman Commoner of Magdalen Hall, Oxon, did say, That Mr. Anthony Farmer, Master of Arts, did induce him from his Studies in the University to go to London,

where he the said Mr. Farmer did attempt to draw the said Mr. Bambrigg into several Debaucheries both at Taverns and Bawdy-houses, Witness my hand,

John Roland, Mr. of Arts of Magd. Hall.

V. I Do certifie, That Mr. William Bambrigg, Gentleman Commoner of Magdalen Hall, did say, That Mr. Anthony Farmer, Master of Arts of the said Hall, did receive

Money of him and other Gentlemen, publicly to expose unto them a Naked Woman, which he accordingly did, Witness my hand,

Richard Clerk, Mr. of Arts of Magd. Hall.

June 9. 1687.

VI. I Am very willing to justify any thing I have formerly said, relating to so serious a matter as this is you enquire after.

Mr. Farmer, one night in the Cloyster, asked me why I did not get a Commission: I told him truly, I had not Friends to do it for me. He then asked me, what I would do for one: I told him, I would fight for my King, and whatsoever he should command me. He then ask'd me, if I would fight for the King's Religion: I told him, there would be no occasion for that, nor would it ever be

required of me. He ask'd me of what Religion I was: I told him a Protestant. And then he said, There was no Protestant but would cut the King's Throat; and that he should lose Three thousand pounds, for being of that Religion he intended to be of; which he said was a Papist. This, to the best of my remembrance, is the full of what he said: If I have omitted any thing, it is my care not to write more than I would honestly and justly swear to. I am,

SIR,

Your most Obligated and most
Humble Servant,

JOHN BRANAGHAN.

VII. IN or about January last, 1687, Mr. Anthony Farmer declared before us That the Report of his being a Papist was false; but that he was willing to be thought so, because it might do him a kindness: That the reason of his acquaintance with Mr. Brent and Mr. Walker, was to get Preferment by

their Interest: That he had not forsaken the Protestant Religion; adding, we should call him Rogue, if ever he did: That he would not make any publick Declaration of this, but would declare it amongst Friends, when and where he pleased.

Henry Dobson;
Ja. Fayer.
Tho. Goodwin.

Do hereby certify, That **Robert**
Clark, Porter of **St. Mary**
Magdalen Colledge, did tell me, that **Mr. Farmer**
 did very often come into the Colledge late at

night, to much in drink, that he could scarce
 go or stand. Whose name was **John**
Farmer, who was born in the year of
 1682, and was a native of the County of
 Gloucestershire, and was a native of the
 County of Gloucestershire.

IX. Upon Monday, April the third, **Mr.**
Farmer came to the Lobster in
Abbingdon with **Mr. Clerk**, **Mr. Gravener**, and
Mr. Jenner, about eight in the morning,
 and staid some time in the house, and went
 from thence to the Tavern; return'd again
 about eight at night, and staid till one in
 the morning. The next day they went to
 the Bath Tavern and sent for a quarter of
 lamb for their Supper; and there **Mr. Far-**
mer and **Mr. I. Jenner** did staid till one
 in the morning, and then they went to the

Mr. Clark, **Mr. Gravener**, and two Troo-
 pers and others, continued till past eleven at
 night, and so return'd to the foresaid place,
 and staid till past three in the morning.
 This I do assert, was the Company that the
 said **Mr. Anthony Farmer** kept, and these were
 the unfavourable Hours. In witness whereof,
 I am ready to swear, whenever a Sabbath
 shall be sent to me, as to the Oath of
 the said **George Mortimer**.

X. **Mrs. Mortimer** is ready to assert, That
 when **Mr. Anthony Farmer** return'd
 to the Lobster about eleven at night, he came
 much concern'd in Drink, and was for kissing
 the said **Mrs. Mortimer**, which, he being a
 stranger, she permitted him to do; but in

doing of it he did bid **Mr. Anthony Farmer**
 put his Tongue in her mouth, which was such
 a rudeness, that she immediately went out of
 his company and would not come nigh him
 any more.

Martha Mortimer.

XI. Being in company with **William Hop-**
kins of **Abbingdon**, the arch of **John**
Farmer, I heard him declare, That himself
 with one **Mr. Farmer** of the University of
Oxford, and some others, did in a Frolic, at an
 unchristian time of night, take away the

Town-Stocks from the place where they con-
 stantly stood, and carried them in a Cart a
 considerable way, and threw them into a Pool
 commonly call'd **Mad Hall's Pool**. Witness
 my hand the day and year above-written,

Charles Placok.

Some Clauses of particular Statutes to which the Case relates.

IN their Statutes concerning their Election
 of a President, his Character is thus describ-
 ed: That he must be a man of good Reputa-
 tion, and good Life, and circumspect both
 in Spiritual and Temporal Affairs.

In the same Statutes the Oath which every
 Fellow is obliged to take, before he can give

in the Nomination of a President, is this:
Viz.

That he will name one or two of **St. Mary**
Magdalen Colledge, or of those who have
 been Fellows there, or have left their places
 upon a legal and credible account: Or that
 he will name one or two of the Fellows of

St. Mary Winchester Colledge, commonly called *New-Colledge*, in *Oxon*, or of those who have been formerly Fellows there, and have left their places upon a credible account. After this, the thirteen Seniour Fellows swear, That out of the two thus nominated, they will, with all speed, Elect one to exercise the

Office of a President, whom in their Consciences they think most proper and sufficient, most discreet, most useful, and best qualified for it, either without any regard to Love, Hatred, Favour, Fear, &c. as in the mentioned Statute is more largely expressed.

Part of the OATH which every Fellow takes when Admitted.

I Do Swear that I will not procure any Dispensation contrary to my aforesaid Oath, or to any part thereof, nor contrary to the Statutes and Ordinances to which they relate, or any one of them; nor will I endeavour that such Dispensations be procured by any other or others, publicly or privately, directly or indirectly: And if it

shall, that any Dispensation of this sort shall be procured, or freely granted, or obtained, of what Authority so ever it be, whether in general or particular, under what form of Words soever it be granted, I will neither make use of it, nor in any sort consent thereunto.

So help me GOD.

A Copy of Dr. Hough's Deprivation, by His Majesty's Commissioners for Ecclesiastical Affairs, &c.

Whereas it appears to us, that Mr. *John Hough*, B. D. hath been unduly Elected President of *St. Mary Magdalen Colledge*, in the University of *Oxon*, we have thought fit, upon mature consideration thereof, That the said Election be declared void, and the

said Mr. *John Hough* be removed from the said Presidency; and accordingly we do hereby declare and decree, That the said Election is void, and do remove the said Mr. *John Hough* from the Place of President of the said Colledge.

Given under Our Seal this 22d Day of June, 1689.

A Copy of Dr. Aldworth's and Dr. Fairfax's Suspension.

WHERAS *Charles Aldworth*, Doctor of Laws, Vice-President of *St. Mary Magdalen College, Oxon.*, and the *Depuys, Fellows* of the same House, have been Convein'd before Us for their Contempt in not Obeying His Majesty's Letters Mandatory, for Electing and Admittin^g *Mr. Anthony Farmer* President of the said College; and the said *Dr. Aldworth* and *Depuys* having been heard thereupon, We have thought fit to declare, pronounce, and decree, That the said *Dr. Ald-*

worth shall for the said Contempt be Suspended from being Vice-President of the said College: And that *Henry Fairfax*, Doctor of Divinity, one of the *Fellows* of the said College, shall for the said Contempt be Suspended from his Fellowship; and accordingly we do hereby Suspend *Dr. Charles Aldworth* from being Vice-President of the said College, and the said *Dr. Henry Fairfax* from his Fellowship in the said College.

Given under Our Seal the 22^d Day of June, 1687.

A Copy of the King's Inhibition to Magdalen College.

JAMES REX.

Right and Well-beloved, We Greet you well: Whereas We are informed, That a Sentence or Decree lately made by Our Commissioners for Ecclesiastical Affairs, touching an Election in that our College, hath not been Obeyed, Our Will and Pleasure is, No Election or Admission be made of any person

or persons whatsoever, into any Fellowship, Deanship, or other Place or Office in Our said College, till We shall signify Our further Pleasure, any Statute, Custom, or Constitution to the contrary notwithstanding. And so, expecting Obedience herein, We bid you Farewell.

Given at Our Court at Windfor, the Eighteenth of July, 1687, in the Third Year of Our
Reign.

By His MAJESTY's Command.

Sunderland.

A Copy of His Majesty's Mandate for the Bishop of Oxon. to be President.

JAMES REX.
 Right and Well-beloved, We Greet you well:
 Whereas the place of President of Our Col-
 ledge of St. Mary Magdalen, is now void, Our
 Will and Pleasure is, That We do hereby Author-
 ize and Require you forthwith, upon receipt
 hereof, to Admit the Right Reverend Father in
 God Samuel Lord Bishop of Oxon, into the said
 place of President, to hold and enjoy the same

with all the Rights, Privileges, and Profits,
 Emoluments and Advantages therein be-
 longing, any Statutes or Statutes, Custom or Con-
 stitution to the contrary, in any wise, notwithstanding,
 wherewith We are Graciously pleased
 we do accordingly hereby Define on the Pe-
 half: And so, expecting your ready Obedience
 therein, We bid you Farewell.

Given at Our Court at
 Windsor, Aug. 14th,
 1687, in the Third
 Year of Our Reign.

By His Majesty's Command.

END

A Copy of the Lord Sunderland's Letter to the Senior Fellow of St. Mary Mag-
 dalen College, in the University of Oxon, in his absence, to the Senior
 Fellow residing there.

His Majesty having been pleased by His Let-
 ters Mandatory, to require the Fellows
 of St. Mary Magdalen College, to Admit the
 Lord Bishop of Oxon, President of that Col-
 ledge; His Majesty Commands me to let you
 know, That immediately upon the receipt
 hereof, he would have you Assemble the Fel-
 lows, and Communicate to them His Maje-

sty's said Letters: And I am, further Com-
 manded to tell you, That His Majesty expects
 a ready Obedience to be paid to His Pleasure
 herein: I desire you would send me an Ac-
 count of your Proceedings, as soon as you can,
 that I may acquaint His Majesty with it. I
 am

Yours Sunderland.

A Copy of the Bishop of Oxon's Letter to the Senior Fellow of St. Mary Magdalen College, in Oxon, or in his absence, to the Senior Fellow residing there.

318.

YOU will receive herewith His Majesty's Mandate to Admit me President of your College of St. Mary Magdalen, in Oxon, together with a Letter of my Lord Sunderland, pursuant to His Majesty's Commands. I am indisposed, as I have been for some time, and am in a condition as yet to Travel; and therefore my request to you is, That upon receipt of the King's Pleasure, you would do me the

to the Senior Fellow of St. Mary Magdalen College, in Oxon, or in his absence, to the Senior Fellow residing there.

Favour to Admit me by Proxy, (i.e.) Either the next Senior Fellow under your self, resident, or either of my Chaplains, Mr. William Wickins, or Mr. Thomas Collins, whom I depute in my stead, which is as valid in Law, as if I were present my self; and is the most usual and customary Practice. And by so doing, you will oblige

Your very Loving-Friend and Brother,

Samuel Oxon.

OXON. Sept. 4th, 1687.

The Lord Sunderland sent an Order to the Fellows of St. Mary Magdalen College, to attend the King at Christ Church, at three, in the Afternoon. They attended accordingly.

KING. What's your name, are you Dr. Padesley?

Dr. P. Yes, may it please your Majesty.

K. Did you receive my Letter?

Dr. P. Yes Sir we did.

K. Then you have not dealt with me like Gentlemen, you have done very unbecomingly by me and unduly. Here they all knelt, and Dr. Padesley offered a Petition, which His Majesty refused to receive: And said,

K. Ye have been a stubborn turbulent College, I have known you to be so these 26 years: You have affronted me in this. Is this your Church of England Loyalty? One would wonder to find so many Churches of England men in such a business. Go home and shew your selves good Members of the Church of England. Get you gone; I know I am

your King, I will be obey'd; and I command you to be gone: Go and admit the Bishop of Oxon Head, &c. &c. &c. What if ye call it of the College —? (One stood by said President) Finesse President of the College. Let them that refuse to look to it; they shall feel the weight of their Sovereign's Displeasure.

The Fellows going out of the Lodgings were call'd back.

K. I hear you have admitted a Fellow of the College, since you receiv'd my Inhibition; Is this true? Have you not admitted Mr. Holden Fellow?

Dr. P. I think he was admitted Fellow: But we conceive —

Mr. Cr. May it please Your Majesty, there was no new Election or Admission, since Your

Your Majesty's Inhibition; but only the Consummation of a former Election. (They always Elect to one years Probation) then the Person Elected is received, or rejected for ever.

K. The Consummation of a former Election, 'twas downright Disobedience, and 'tis a fresh aggravation. Get you gone home, I say again; go, get you gone, and immediately repair to your Chappel, and Elect the Bishop of *Oxon*, or else you must expect to feel the weight of my hand.

The Fellows offered again their Petition, on their Knees.

K. Get you gone, I will receive nothing from you, till you have obey'd me, and admitted the Bishop of *Oxon*.

Upon which they went immediately to their Chappel, Dr. *Pusley* proposing whether they would obey the King, and elect the Bishop of *Oxon*? They answered in their turn, They were as ready to obey His Majesty in all things that lay in their power, as any of the rest of His Subjects: But the Electing the Bishop of *Oxon*, being directly contrary to their Statutes, and the positive Oaths they had taken, they could not apprehend it in their power to obey Him in this Matter.

A Copy of the Petition offer'd at Oxford, Sept. 4th, 1687.

To the King's Most Excellent Majesty, &c.

Humbly sheweth,

THAT upon the 27th of August we receiv'd Your Majesty's Letters Mandatory, Dated August 14th, requiring us to admit the Right Reverend Father in God *Samuel* Lord Bishop of *Oxon*, to be our President; and dispensing with all Statutes and Constitutions to the contrary. It is an unexpressible Affliction to us, to find our selves reduced to such an extremity, that either we must disobey Your Majesty's Royal Command, contrary to our own Inclinations, and that constant course of Loyalty which we have shew'd in all instances hitherto upon all occasions whatsoever; or else break our Founder's Statutes, and deliberately perjure our selves.

For our Founder hath oblig'd us under Oath, when we came in Fellows, inviolably to observe his Statutes, and one Clause therein enjoins us never to admit, or make use of Dispensation granted by any Authority whatsoever, whereby we may be absolved from the same. In this Statute for the Election of a President, he commands us upon Oath to Elect such a Person into the place of President, within 15 days after the vacancy, who either is, or has been Fellow of our own, or New-Colledge: Which we represented to Your Majesty in our humble Petition, sign'd April 9th, wherein we offered our selves ready

to Elect any Person capable of the same, who Your Majesty should be pleas'd to recommend; and having waited the utmost time limited by our Statutes, and receiv'd no Answer to that effect, we did then according to the exigence of our Statutes (having first taken the Holy Eucharist, and our several Oaths to that purpose) nominate and Elect such a Person, as we in our Consciences did believe to be every way qualified for that Place: By which Act of ours, we have conveyed all that right to him, which our Founder hath intrusted us with; and it does not lie in our power to admit any other. Our Founder in another Statute obligeth us under the pain of Perjury, a dreadful Anathema, and eternal Damnation, not to suffer any of his Statutes to be altered, infringed, or dispensed with, and commands us under the same Sacred Obligations, not to execute any Orders or Decree whatsoever, contrary or repugnant to the said Statutes; by which said Statutes, and Oaths, we are utterly incapacitated to admit the said Reverend Father in God to be our President.

May it please Your Sacred Majesty, to give us leave to lay this our Case, and our selves, withal submission, at Your Royal Feet, most earnestly beseeching Your Sacred Majesty, to extend to us Your humble Petitioners, that

Grace

Grace and Tenderness which Your Majesty hath vouchsafed to all Your other Subjects; and not to believe us guilty of any obstinacy or uncharitableness, Crimes which our Souls abhor; but to receive us into Your Majesty's Grace and Favour, the greatest temporal Blessing which our Hearts can wish.

And Your humble Petitioners shall always (as in Duty bound) pray to Almighty God, to bless Your Majesty with a long and happy Reign over us, and afterwards to receive You to an immortal Crown of Glory.

A Copy of the Address which the Fellows of St. Mary Magdalen gave to the Lord President of the Council, Sept. 6th, 1687; and which was delivered His Majesty at Bath.

WE Your Majesty's most humble, and most dutiful Subjects, the Fellows of St. Mary Magdalen Colledge in Oxon, being deeply afflicted with the late sense of Your Majesty's heavy Displeasure; grounded, as we in all reason humbly presume, upon a most unkind misrepresentation of our Actions, in relation to an Election of a President, into Your Majesty's said Colledge: Do humbly beg leave to prostrate our selves at Your Royal Feet, offering all real Testimonies of Duty and Loyalty. And as we have never fail'd to evince both our Principles and Pra-

ctices to be truly Loyal, in obedience to the Commands of Your Royal Brother, and Your Sacred Self, in matters of the like Nature: So whatsoever way Your Majesty shall be pleased to try our readiness to obey Your Royal Pleasure, in any Instance that does not interfere with and violate our Consciences, which Your Majesty is studious to preserve, we shall most gladly and effectually comply therewith: A stubborn and a groundless resistance of Your Royal Will and Pleasure, in the present, and all other Cases, being that which our Souls eternally abhor, as becomes

Your Majesty's most Loyal and most Obedient Subjects, &c.

A Copy of a Letter directed to Dr. Bayly Fellow of Magdalen Colledge, Oxon. supposed to be Writ by Mr. W—— P——

Sir,

UPON an inquiry made of your present Fellows of Magdalen Colledge, I am inform'd that you are a person eminent in that Learned Body, for your Temper, Prudence, and good Conduct in Affairs; and therefore very fit to be address'd to by me, who do not send you this to trapan you, and your Brethren; but out of a passionate concern for your interest, to perswade you, either to a compliance with His Majesty's Letters Mandatory; or to think among your selves of some expedient to prevent the ruin of your Colledge, and your selves: And to offer it to

His Majesty's Royal Consideration, that the Order for the *Quo Warranto* against the Colledge may be recall'd, before it be too late; for you cannot be sensible how highly His Majesty is incens'd against you, neither can you give one instance whether ever that sort of proceeding was judg'd against the Crown. Your Cause most think it very hard; but you are not in Prudence to relye on the goodness of your Cause; but to do what the present instant of Affairs will permit, and in patience to expect a Season that will be more auspicious to Persons of your Character. Every

D

Me-

Mechanick knows the temper of His present Majesty, who never will receive a baffle in any thing that he heartily espouseth, and that he doth this, your selves have had too late and manifest an instance, to doubt of his zeal the Affair.

ob Where there are so many Statutes to be observed, 'tis impossible but some must be broken at one time or another; and I am informed by the Learned of the Law, that a failure in any one point, forfeits your Grant, and lays your Colledge open to the Royal disposal.

I could give many other prudent Arguments, that might possibly incline you to a speedy endeavour of putting an end to your Troubles, almost, at any rate; but I shall suggest this one thing to you, that your fatal overthrow would be a fair beginning of so much aimed at Reformation, first of the University, then of the Church, and administer such an opportunity to the Enemy, as may not perhaps occur in His Majesty's Reign. I am

Your affectionate Servant, &c.

The Answer to the aforementioned written Letter, Dated Oct. 3d. 1687.

THE inclosed Paper is a Copy of a Letter, which by the charitable purpose of it, seems to be writ by you, who have been already so kind as to appear on our behalf, and are reported by all that know you, to employ much of your time in doing good to Mankind, and using your Credit with His Majesty, to undeceive him in any wrong impressions given him of his conscientious Subjects, and where his Justice and Goodness have been thereby abused, to reconcile the Persons Injur'd to His Majesty's Favour, and secure them by it from Oppression and Prejudice. In this confidence, I presume to make this application to you, desiring your excuse for not subscribing it: For if you did write the Letter, you know to whom it was directed; and if you did not, I hope your Charity will induce you to make such use of your light you have by it, into the Affairs of our Colledge, as to mediate for us with His Majesty, to be restored to his good opinion, as the only thing which is desired by us, who are zealous, above all earthly things, for his Felicity and Glory.

We are not conscious of ever giving His Majesty any just Offence, as it will appear with you, when you shall have perused the enclosed Papers; and have therefore no reason to fear the issuing out of a *Quo Warranto* against us. And though you are pleased to apprehend it, no instance can be given of a Judgment against the Crown, upon the pro-

cess of that Writ: The Learned in the Law tell me, there is nothing more common, and whereof many Cases are reported by *Kellaway*, from Page 128, to Page 152, of his Book of Reports: And I think I have heard of a Case in *Coke's* ninth Report of the Abbeſs of *Prata Marcella*, which evinces the same; wherein also there is a recital of Judgment given against *Roger Mortimer* for the King, upon a *Quo Warranto* in Court of *Eyre*, revers'd for Error in the King's-Bench. We hope though we have many Statutes, it will be found that we have not wilfully transgress'd any of them, for all our present Troubles are derived to us from our adherence to them, and our fear to offend God, and blemish our Consciences, by departing from them.

His Majesty is intentionally righteous and just in all his Proceedings, He will never knowingly invade any Man's Property, as He was solemnly pleas'd to declare in his Excellent Speech made in Council, on the 6th of February, 1684, at his Accession to the Government; which is again repeated in His gracious Declaration for Liberty of Conscience, of the 4th of April last past. It is upon His Sacred Inviolable, and Royal Word and Promise, we must depend; not doubting but when His Majesty shall be rightly inform'd of our Case, in reference to both His Mandatory Letters to our Colledge, His Anger towards us will be totally extinguish'd.

Our

Our compliance to the first (which was Mr. *Farrar's* Election) would have involv'd us in the guilt of manifest Perjury, and the wilful violation of our Statutes: And we are confident his Majesty would never have granted the second on the behalf of my Lord Bishop of *Oxon*, if he had known we were then possess'd of a President duly Elected according to our Statutes, and confirmed by the Bishop of *Winton*, our Visitor (as the Statutes require) ; and if he is thereby invested with a Lay-Freehold under the protection of his Majesties Laws, which we cannot undo or attempt to invade, without subjecting our selves to Suits at Law, and doing an apparent Injury to the President, who doth not conceive himself to be affected with the Sentence of the Lords Commissioners, (to which he was no Party) whereby his Place is declared void, without any Citations, Summons, or hearing of him.

I believe no Instance can be given of a *Quo Warranto* brought against a Colledge or Hall in the Universities, from the first foundation of them to this day, or any other Ecclesiastical Corporation: for the Abuses of some Constitutions or Franchises in them, and the Misdemeanours of particular Persons, will not de-

stroy a Colledge: And if the Corporation of a Colledge should be dissolv'd, the Revenues thereof will return to the Founders Heirs, and not divolve to the Crown. And if our Colledge must be the first Example of that kind, we shall be better justified by the strict Observation of our Statutes, (at least to God and our own Consciences) than we could have been by a voluntary and deliberate Breach of them.

It was Loyalty and Conscience, that in the Reign of King *Charles* the First, made thirty four of our forty Fellows, and most of the Scholars of our Foundation, rather quit their Places, and embrace Misery and Ruine, than to submit to the Government of the Usurpers of the Crown. And in *Monmouth's* Rebellion, the same Inducements prevailled on us to raise a Company at our own charges, under the command of one of our Fellows, to engage against him: And we hope that these and many other the like instances, which may be given of the Loyalty and Zeal of our Society to the Royal Family, will be received as Evidences thereof, and that our good and gracious Sovereign will not exclude us from that Liberty of Conscience, which he was pleas'd to extend to all his Subjects.

SIR,

I am

Your most Affectionate
Servant.

D 2

Some

*Some QUERIES sent to the Fellows of Magdalen Colledge
from Windsor, September 15. 1687.*

First, **W** Hether, waving your Election of the Bishop of Oxon, you cannot, without violence to your Conscience, signifie to his Majesty, or the above Reverend Bishop, your willingness to admit the Lord Bishop President of your Colledge?

Secondly, Whether It be not more Interest to the Protestant Religion, to have a suspected Popish President, than to have all the places of the Colledge re-filled by the Kings sole Authority with Popish Novices and Priests?

Thirdly, Whether you are not under a mistake, in thinking you should render your selves more acceptable to the Protestant Nobility and Gentry, by your being turned out of your Fellowships by Injustice and Violence, as you conceive; or rather will not they be very cautious how they receive you into their Families, for fear of giving of Offence?

Fourthly, Whether his Majesty, as Supream Visitor of the University, cannot place or displace there *ad libitum*; or whether you have a right notion of the Proceedings which have been pra-

ctised against you? Whether you suppose that the Lords Commissioners proceeded against you as Lords Commissioners, or Visitors? Which Notion, I am sure, will overthrow some boddes Plea and Exception against their Authority.

Fifthly, Whether you acted like men skilled in business, when you refused Mr. *Pew's* Mediation, who you may be sure had good Authority for what he did? You could not but know that man, and therefore must needs be fore-armed against any Wiles that could be offered to you. Whether an unanimous Subscription for an Expedient, (which indeed I think you ought not to refuse in good manners, since the King was pleased to propose it) presented to his Majesty by Mr. *Pew*, or another Favourite, would prevent the destruction of the best Foundation in Europe.

Lastly, Whether you be not drawn beyond your Knowledge, by some hot-headed Advisers, which never consider the present state of his Majesty's Court of Justice?

*An Answer to several Queries to the Vice President and Fellows of
Magdalen Colledge in Oxon, sent from Windsor, dated the 25th
of September, 1687.*

To the First. **W** E cannot, without violence to our Consciences, and deliberate Perjury, admit any person to be President of our Colledge, that is not elected thereunto, and qualified according to our Statutes; whereby the Bishop of Oxon is in no sort capable; nor is there any Memorial in

all our Register of any admission of a President without Election, but of one Dr. *Nicholas Bond*, whose case was as followeth, (*viz.*) Upon the death of Dr. *Lawrence Humphreys*, about the 30th or 32th of Queen *Elizabeth's* Reign, the Queen recommended Dr. *Bond* (being a Fellow of our Colledge) to be Elect-
ed

ed President. Many of the Fellows inclin'd in their judgment to Elect one *Smith* (another of the Fellows) and at their meeting for Election, the Contention was so great, that they rose without Electing, and the Obstinacy continued till the place became laps'd: And there being no provision in our Statutes to direct us what to do in such a Case, the Queen, by her Letters Patents, Constituted the said Dr. *Bond* to be President; and therein declared, That her Majesty being inform'd that the Fellows had neglected to make Election of a President in due time, (as their Statutes required) and those Statutes having made no provision for such an Omission, She, out of her Princely care for the place, and Indulgence for those persons who had been guilty of that neglect, did by advice of the Bishop of *Winton*, their Visitor, constitute Dr. *Bond* their President; with protestation nevertheless, that She did not thereby pretend to supersede their Statutes, or invade their Right of Election, which was thereby invested in them, but took this course as the only means left to supply their Defect of Election.

To the Second. We must not make our selves guilty of deliberate Perjury, for any considerations whatsoever, both in respect to our Consciences, and that we may not by such a Breach upon our Statutes, expose our Constitution to a Forfeiture, nor do Evil that Good may come on it.

To the Third. We conceive we shall be more acceptable to all good men, for acting honestly according to our Consciences, than for voluntarily and unjustly departing from our Right.

To the Fourth. We pretend not to make it a Question, whether his Majesty, by his Authority Royal, as Supreme Vi-

sitor, can grant a Commission for Visitation of any Colledge that has a Local Visitor by their Statutes, and are not Royal Foundations: But we are adviſed, that no Commission can be granted under the Great Seal to Visitors, to place and dis-place Members of Colledges (whose places are Freeholds) *ad libitum*, or *discretum*; but they must proceed according to legal discretion, that is, by the Laws and Statutes of the Land, and the Local Statutes of the Colledge. And places concern'd for the Headships and Fellowships of Colledges, are Temporal Possessions, and cannot be impeach'd by Summary Proceedings. One Dr. *Thomas Lowmy* President of our Colledge, was deprived in Queen *Elizabeth's* time, by the Bishop of *Winton* the Legal Visitor thereof Establish'd by Royal Authority, and he appeal'd to the Queen; but by the advice of all the Judges, it was held, that the Queen by her Authority, as Supreme Visitor, could not meddle in it, but he must bring

Westminster-Hall, because Deprivation was a Cause merely temporal. The King has a great Authority Spiritual as well as Temporal; but no Commissioners can be authorized by the Crown to proceed in any Commission under the Great Seal or otherwise, but according to Law; in Spiritual Causes by the Canon Law, in Temporal by the other Laws and Statutes of the Land. And wherein the proceedings in some Commissions are directed to be *summarie & de plano*, &c.

those words are to be applied to shorten the Forms of Process, and not for matter of Judgment: for *Magna Charta* provides for our Spiritual Liberties, as well as our Temporal.

And thus we have seen the several Arguments, which have been used by the several Parties in this Cause, and the several Decisions of the Court in this Cause, and the several Reasons, which have been given for the Decisions of the Court in this Cause.

A N
Account of the VISITATION
O F
St Mary Magdalen Colledge in Oxon.

ON Oct. 19th, Mr. Atterbury the King's Messenger, fix'd a Citation on the Colledge and Chappel-Doors, requiring the Pretended President and Fellows, and other Members of the Colledge to appear before the Lords Commissioners, Bishop of *Chesler*, Lord Chief Justice *wright*, and Mr. Barron *Jinner*, in the Chappel, at Nine of the Clock on Friday-morning, November 21st.

On Thursday the Lords Commissioners came to *Oxon*, attended with three Troops of Horse which Quarter there.

On Friday-Morning at Nine they went into the Chappel; the President and Fellows thinking they had design'd to sit in the Quire, made no preparation of Seats in the outward Chappel; upon which their Lordships adjourn'd to the Wall, where their Commission was then read, which in general was the same with the former: These three being added to the other Lords Commissioners, and particularly impowred to visit *Magdalen Colledge* only.

This done, the Names of the President and Fellows were called over, Dr. *Hough* being first called. All in Town appeared, (except Dr. *Fairfax*) and excuses were made for the absent.

Then a Speech was made by the Bishop of *Chesler*, and in it his Lordship was Severe against Disloyalty and Disobedience. He urg'd that the Church of

England taught an unconditionate and unlimited Obedience; He spake of the Kings Gracious Promises to Arch-Bishops and Bishops, &c. which had deserved thanks on bended Knees, notwithstanding the *Oxon* Reasons to the contrary which they knew best who was the Authour thereof. He told them that it could not be expected, but that the King would give all encouragement to those of his own Religion, which could be done without severity and cruelty which His Majesty abhor'd, and without Injuring the Church of *England*, which was at present established by Law: He told them that this Corporation as well as others were the Creatures of the Crown; and that it was Inference in their Local Statutes to spurn against their Maker.

That their Distempers had brought this Visitation upon them, the Consequences of which might be ill to the Church and Universities: That however they might escape in this World, these Sins were to be accounted for above their other Sins in the next. He Exhorted them by the Bowels of Christ to consider these things: He told them, that the Eyes of the World were upon them, and they ought to take care that their Practices might not influence their deluded admirers. In short, the whole design of the Speech seem'd to be promises and threats, to alme at the induing them to a compliyance.

The Court was then Adjourn'd till Two in the Afternoon.

In the Afternoon were called over the Names of the Demoyes, Chaplins, Clerks, Choristers, and Colledge Servants. The President then interpos'd, desiring leave to speak before they proceeded any further; which being granted, he told their Lordships: That

President. **T**HE time betwixt your Citation and Appearance was so short; that the Society had not time to advise with the Council how to behave themselves on this Occasion: Therefore desired of your Lordships a Copy of the Commission, and time to consider of it.

Bishp Ch. 'Tis upon Record, you may have it above.

Pr. Is it the same the other Lords Commissioners had?

Bishp Ch. Yes for the most part it is.

Pr. Then my Lord, I do assure you (and will make Oath if you please) that I have often endeavoured to get a Copy of it, and could not procure it.

L. C. J. Have you not heard it Read, or will you hear it again?

Pr. I am not capable of making a Judgment of it my self, but it is possible there may be Errors and Defects in't, such as the Society may make use of to their own advantage, and I am confident it is neither his Majesties intention nor your Lordships we should be debar'd from it. *A Copy was then denyed.*

Bishp Ch. Dr. Hough, will you submit to this Visitation?

Pr. My Lords, I do declare here in the name of my self, and the greater part of the Fellows; that we submit to the Visitation, as far as it is consistent with the Laws of the Land, and the Statutes of the Colledge, and no further. I desire your Lordships that it may be Recorded. *This was twice Repeated.*

L. C. J. You cannot imagine that we Act contrary to the Laws of the Land, and as to the Statutes the King has dispensed with them: Do you think we come here to act against Laws.

Pr. It does not become me (my Lords) to say so, but I'll be plain with your Lordships; I find that your Commission gives you Authority to change and alter the Statutes, and make new

ones as you think fit: Now my Lords we have an Oath, not only to observe these Statutes (laying his hand on the Book) but to admit of no new ones, or alterations in these; This must be my behaviour here, I must admit of no alteration from it, and by the Grace of God never will.

Bishp Ch. Do you observe all these Statutes?

Pr. Yes, my Lord, I hope we do.

Bishp Ch. You have a Statute there for Mass, why don't you read Mass?

Pr. My Lord, the matter of this Oath is unlawful; and in such a case, no man is oblig'd to observe an Oath: Besides, the Statute is taken away by the Laws of the Land.

Bishp Ch. By what Law?

Dr. Stafford. By that which obliges to say *Common-Prayer*.

Bishp Ch. What, the Act of Uniformity? I have often considered it, and don't remember one word of Mass in it.

Dr. Staff. But that obliges us to use the Liturgy of the Church of England, in all Collegiate Churches and Chappels: And, I hope, my Lords, you do not imagine that we can say *Common-Prayer* and *Mass* together.

Bishp Ch. Do you allow that Act of Parliament can free you from the obligation of a Statute.

Pr. I do not say, but that his Majesty may alter our Statutes, nor do I know but a Parliament may do the same; I dispute not their Power: onely this, my Lord, I say, that I who already have taken an Oath to observe these Statutes as they now stand, and am sworn not to admit of any change or alteration by any Authority whatsoever, [And then turning to the Oath where they were to observe these Statutes and no other, according to the Literal and Grammatical sense, &c. and reading it to their Lordships.] can

obey

obey none : But then those who come after such Limitations and Restrictions are made, are not oblig'd to observe 'em ; and that, my Lords, is our Case, as to the Statutes of the Mass.

Then the Decree of the 22d of *June* was read, declaring the President's Election Null and Void.

Bish. Ch. Did you know of this Commission, &c.

Pr. Yes, my Lord, I have heard of it.

Bish. Ch. Why then did you not obey it ?

Pr. I was never Cited before their Lordships, nor was either heard by them in Person or Proxy ; and I think I am the onely instance that is extant, of any man that was ever depriv'd of a Freehold, wherein he was legally invested, and of which he was quietly possess'd, without being Summon'd or Heard.

Here mention was made of *Dr. Fairfax's* Suspension.

Pr. My Lord, He is absent, and if your Lordships give me leave, I have somewhat to say on his account ; your Lordships may please to observe in that Decree, that the reason given, why *Dr. Fairfax* was Suspended from his Fellowship, was, because he had not obeyed his Majesty's Command, in nor Electing *Mr. Anthony Farmer* President of the Colledge : Now the Charge of Immorality given in agalnst *Mr. Farmer* by the Colledge ; Delegates was made out, and their Lordships fully satisfied in it, on the 29th of *July*, notwithstanding which, this Decree for Suspension of *Dr. Fairfax*, was fix'd on the Colledge-Gates, *August* 2d.

Bish. Ch. The King hath for the most part recommended to the Presidentship of this Colledge.

Pr. I am the Twentieth President, and onely four of that number hath been recommended by the Kings and Queens of England, whereof three were every way qualified for that Office.

Bish. Ch. Who were those ?

Pr. My Lord, there was one in the time of *Edward* the Sixth, one in *Queen Elizabeth's*, and two in the late King's Reign.

Bish. Ch. Was there never a one in King *Charles* the First's Reign ?

Pr. Not that we know of.

Bish. Ch. What think you of *Dr. Oliver* ?

Pr. It doth not appear to us, my Lord, that he ever had a Mandate.

Bish. Ch. But it appears to us, and that I will bring you one to swear, that he had a Mandate.

Pr. The truth is, we have lost the Register of *Dr. Oliver's* Election and Admission ; the Register betwixt the Year 1649, or thereabouts, and so being taken away by those who were turn'd out of the Colledge at that time ; but I believe, my Lord, we are able to prove that he was Elected and Admitted according to Statute.

Bish. Ch. Was *Dr. Clark* a Statutable Person ?

Pr. Yes, my Lord.

Bish. Ch. Do not the Statutes require that he should be in Orders ? was he in Orders ?

Pr. My Lord, the Statutes onely require that he should be Doctor of Divinity, Physick, Law, or Master of Arts : There is indeed one Statute which says, The President or Seniour Fellow should Read Prayers upon such certain Days ; from whence we conclude, that the Founder suppos'd we might have a President that might not be in Orders ; and in such a case he takes care that the Seniour Fellow should do his Duty.

Mr. Char. My Lord, will you be pleased to ask *Dr. Hough*, whether *Dr. Clark* was Married or not ?

Pr. No, Sir, he was a Widdower.

Then a Petition was read from the Society to his Majesty, signed the 9th of *April*, and presented the 10th to the Earl of *Sunderland*, by the hands of *Dr. Thomas Smith* and *Captain Bagshaw*, wherein was set forth, that having heard that his Majesty would recommend

send Mr. Fowler to them a person un-
suitable, they did humbly beseech him
either to have them to a free Election, or
to recommend a qualified person.

Bish. Ch. Was this the Petition? An-
swer, Yes.

Bish. Ch. Why then did you not stay
for his Majesty's Answer?

Pr. My Lord, We did till the very
last day wherein we are limited to finish
the Election; and my Lord *Sunderland*
returned, in the King's name, this An-
swer, That his Majesty expected to be
obeyed. Now, my Lord, we did no
longer defer the Election, because our
Statutes enjoin us within such a time,
and we staid to the utmost. Nor could
we chuse the person his Majesty did re-
commend, knowing him to be so unfit,
as we afterward made him appear to be.
The Society was therefore to proceed to
the Election of another person, and did

agree on such as you see.

Bish. Ch. A Mandate always implies
an Inhibition.

Pr. My Lord, I cannot conceive that,
Bish. Ch. But I can; and if you que-
stion it, heres the King's Council ready
to argue it.

Pr. My Lord, Whilst the person his
Majesty recommends appears duly quali-
fied for the place, it seems indeed to im-
ply that we should not proceed to the E-
lection of another; but when he is
known to be utterly unfit, it seems
to be the same as if there were no Let-
ter at all.

Some other things and questions less
material were put, and then the Court
was Adjourned to Saturday the 22d,
nine in the morning, to the common
Room, the Hall being (as they said) too
publick and incommodious.

SATURDAY, October 22d, 1687.

As soon as their Lordships met in the
common Room, and the Society be-
fore them, the first word was With-
draw; and after a little time, the Pre-
sident was called in alone.

Bish. Ch. DO you submit to the De-
cree of the Commissioners, whereby the Election is declared
Null?

Pr. As to that Decree of the Lords
above, it is a Nullity in its self from the
beginning to the end, as it relates to me,
I never having been Cited, nor having
ever appeared before them, either in
Person or by Proxy: Besides, my Cause
it self was never before them; their
Lordships never inquiring or asking one
question concerning the Legality or Statu-
tability of my Election: for which rea-
sons (as I am informed) that Decree
was of no Validity against me, according
to methods in the Civil Law: But if it
were, I am possessed of a Free-hold, ac-
cording to the Laws of England, and the
Statutes of the Society, having been E-

lected as Unanimously, and with as much
Formality as any one of my Predecessors
Presidents of this Colledge, and after-
wards Admitted by the Lord Bishop of
Winton, our Visitor, as the Statutes of
the Colledge require; and therefore I
can't submit to that Sentence, because I
think I cannot be depriv'd of my Free-
hold, but by course of Law at *Windsor*
hall, or by being some ways incapa-
citated by the Founder's Statutes.

Bish. Ch. Will you deliver up the Keys
of the President's Office and Lodgings,
to the use of that Person whom the King
has appointed your President, as the Sta-
tutes require.

Pr. I will immediately do it, if that
appear.

Bish. Ch. Turn to that part of the Pre-
sident's Oath where he promiseth to sub-
mit quietly if he shall be Expelled, either
for his own Fault *vel ob aliam Causam*.

Pr. My Lord, That Statute onely con-
cerns me, if I am Expelled for any fault
committed by me.

Bish. Ch. *Vel ob aliam causam?*

E

Pr. Then,

Pr. Then, my Lord, to be short, here is so cause at all.

Bish. Ch. I ask you again, Will you deliver up the Keys to the President whom his Majesty hath appointed?

Pr. There neither is nor can be a President so long as I live, and obey the Statutes of the Colledge; and therefore I do not think fit to give up my Right, the Keys and Lodgings.

Bish. Ch. We may demand them of you as Visitors.

Pr. My Lords, we never deliver up the Keys to the Bishop of Winton; and we own no greater Visitatorial Power than his, he hath the King's Authority. 'Tis by Vertue of a Royal Charter that we live together, and enjoy the benefit of this Place, that impow'd our Founder to give us a Rule, and oblig'd us by Oath to act fuitable unto it; and the Bishop of Winton is hereby constituted to be our Visitor; and all this we own from the King's Authority. The Bishop of Winton is our ordinary Visitor; the King (I presume) our extraordinary. But your Lordships know it hath been controverted, Whether the King can visit a private Colledge or not? The Authority of the President is made by delivering up the Statute-Book, and Keys; and therefore I look upon them as an essential Badge of my Office.

But I humbly beg that I may ask your Lordships one Question.

Your Lordship is pleas'd to demand of me to give up these things: Does your Lordship own my Right? For if not, which is it your Lordships would have me give up?

Bish. Ch. No, we look upon you as an Intruder.

Pr. If I am an Intruder, the Bishop of Winton made me one, and I thank God for it. My Lords, the time we have been allowed for this appearance, has been very short, but one day betwixt it and the Citation: We are men ignorant in the Laws, and I must confess it of my self in particular, that I have endeavour'd to give your Lordships a plain and satisfactory Reply to such Questions as your Lordships have been plea-

sed to put to me. It is very probable that through ignorance and inadvertency I may express my self unwarily: If so I beseech your Lordship let no advantage be taken of it, my Intention has been always to express my self with all imaginable Duty to the King; and Respects to your Lordships. If I have done otherwise; I beseech your Lordships Candour in a favourable Interpretation of what I said, that nothing may be taken amiss, where all was dutifully intended. And now my Lords, thus far have I appear'd before you as Judges; I now address to you as Men of Honour, and Gentlemen, I beseech you to represent me as dutiful to His Majesty to the last Degree, as I always will be, so far as my Conscience permits me, to the last moment of my Life; and when I am dispossest here, I hope your Lordships will interceed, that I may no longer lie under His Majesty's Displeasure, or be frown'd upon by my Prince, which is the greatest Affliction can befall me.

Upon this the President was ordered to withdraw, and after a little time, he and the Fellows were called in again. Then the Bishop repeated this Question.

Bish. Ch. Dr. Hough, Will you deliver up the Keys, and quiet possession of the Lodgings, to the Person whom His Majesty has appointed President? To which no Answer was return'd. The Bishop repeated a Second time.

Pr. My Lords, I have neither seen nor heard any thing to induce me to it.

Bish. Ch. Dr. Hough, Will you deliver up the Keys and quiet possession of the Lodgings, to the Person whom His Majesty has appointed President?

Whereupon the King's Proctor stood up and accus'd Dr. Hough of Countumacy; then the Bishop of Chester admonish'd him in these Words, three times.

Bish. Ch. Dr. Hough, I admonish you to depart peaceably out of the Lodgings, and to Act no longer as President, or pretended President of this Colledge.

Which being so done, they struck his Name out of the Book, and admonish'd the Fellows, and others of the Society, that they should no longer submit to his Authority.

S. A. T. U. R.

SATURDAY, October 22d, 1687. OXON.

Dr. Fairfax's CASE before the Commissioners.

AT the first Sessions Doctor Fairfax purposely absented himself; but Mr. Atterbury making Affidavit he was in Town, and that he advised him to appear, the Doctor accordingly did so the next day. The Doctor being called in alone, and the Doors immediately shut, he begged of their Lordships some Company might be let in; because, as all had observed the Bishop in his Speech, at the opening their Commission, promised to transact every thing in the face of the World. The Bishop complained of the Crowd. The Doctor then desired to fetch in but Two or Three, at length but One, and him at the Door, viz. The Colledge Steward, a Publick Notary.

Bar. Jen. You must not think to prescribe to the Court.

Bish. Ch. What's the Cause of your Contempt, in not appearing at either Sessions yesterday?

Dr. Fair. No Contempt my Lord, but for these ensuing Reasons.

First, I thought my Suspension above had eased me of that trouble. The Doctor tendering a Copy of it, which was read by the Commissioners. The Doctor insisted very much on the Reasons their Lordships, at *White-Hall*, gave for his Suspension, (viz.) For not obeying His Majesty, in Electing Mr. Fermir, he tendering a Copy of Articles made good against him; and yet their Lordships ordered his Suspension to be fixed on the Colledge-Gates five days after that famous Hearing. Second Reason for his Non-appearance, that upon the first day of the ensuing Term, he intended to meet the Lord Chief Justice, at his Court of King's-Bench, for relief against the Sentence, his Fellowship being a Free-hold, witness *Cosin's Case*.

Bish. Ch. You will find but little Favour there.

Dr. Fair. My Lord, in Courts of Judicature, I only expect Justice, and turning to the Lord Chief Justice. I have, my self, said he, been above four years in all the Courts of *Westminster-Hall*, and found excellent Justice, and I will see how it is now.

L. Ch. Jus. You shall have Justice.

Dr. Fair. But your Lordship may save me the labour of two Journeys, and my Charges, by improving your Lordship's deserved Interest with my Lords Commissioners there, and get them now to take off my Suspension: It is ill travelling at this time of year; and besides I am not rich.

Bar. Jen. To sue in *Westminster-Hall* requires a Purse.

Dr. Fair. My Lord, I did not say I was poor.

L. Ch. Jus. You must make your Supplication and Submission, to the King.

Dr. Fair. My Lord, they tell me that this business lyes in your Lordship's Court, and only there, (besides the trouble I am otherwise to give your Lordship: What a noise will the cause make that Dr. Fairfax is suspended for this very reason, (viz.) not obeying the King in Electing *Anthony Farmer*, such a Virtuoso, and under correction, your Lordships are obliged to take off my Suspension, to take off the shame from that Body, whose number by a Common Adjunct you your selves have lately increased.

Bar. Jen. We must not endure these Reflections on the Court.

Bish. But will you submit to this Visitation?

Then Dr. Fairfax read a Paper subscribed by him, Dated *October* the 22d, in these words: 'My Lords, I have been Summon'd, and appeared in this Cause before the Lords Ecclesiastical at *White-Hall*, with whom your Lordships are

'now joyn'd in Commission; and then
'gave in my Answer: I have nothing to
'add to it, and find no reason to retract
'it.

Henry Fairfax.

Bish. Will you admit of the Bishop
of Oxford?

Dr. Fairf. I am Suspended.

Bish. Have you done no Collegiate
Act since your Suspension?

Dr. Fairf. My Lord, I have gone in
to the Hall, and laid in my Chamber: I
did not think their Lordships, when
they suspended me, ever intended that
I should not eat, drink, or sleep.

Bish. If your Suspension was off,
would you submit to the Bishop of Ox-
ford?

Dr. Fairf. Truly, my Lord, I cannot

By Court. Adjourn'd till Tuesday the

do it. *Then all the Fellows were called
into Court.*

The President being withdrawn, the
Bishop put the Question to all the Fel-
lows, (*viz.*) Whether they would as-
sist at the Admission of the Bishop of
Oxford to be installed President by ve-
nue of the King's Mandate? To which
was answered by all the Fellows, to this
effect: (except Dr. Phafy, and Dr.
Tho. Smith, who answered doubtfully,
and Charnock that he would assist.) That
they were under Oaths to the contrary,
and therefore could not do so.

Then all were ordered to withdraw,
and Dr. Phafy being called in alone,
they asked him concerning the Manner
and Form of installing a President,
which he instructed them in.

By Court. Adjourn'd till Tuesday the

As soon as they met, a Letter from
the E. of Sunderland to Dr. Phafy,
was read, dated the 2d of August,
signifying, That the Society, in answer
to his Majesty's Letter commanding
them to admit the Bishop of Oxford, a-
greed unanimously in this Answer, That
the place was full. Their Lordships
were pleased to ask the Fellows singly,
Whether that was their Answer? And as
many as were there, owned that it was.

During this Examination, the Presi-
dent came into Court, and having wait-
ed until it was ended, and their Lord-
ships at a Pause, he made his Applica-
tion to them: My Lords, if your
Lordships please to give me leave, I
would gladly speak a few words. They
were all pleased to put off their Busi-
ness, and lay he might. Whereupon he said,
My Lords, you were pleased this Mor-
ning, in pursuance to a Decree of the
Lords Commissioners at London, to de-
prive me of my place of President of
this College, and to strike my Name
out of the Buttery-book: I do hereby
protest against all your Proceedings,
and against all that you have done, or
hereafter shall do in prejudice of me.

By Court. Adjourn'd till Tuesday the

and my Right, as illegal, Unjust, and
Null: and therefore I appeal to my
Sovereign Lord the King in his Courts
of Justice, Upon which the Strangers
and young Scholars in the Room gave a
H. V. M.; which to much incensed their
Lordships, that notwithstanding all the
Protestations the President and Fellows
could make, the President in particular
offering to purge himself by Oath, that
he was no way accessory to the abetting
of it, and declared that he was heartily
ashamed and troubled at it, yet the
L. C. J. was not to be pacified, but char-
ging it upon the President, bound him in
a Bond of 1000*l.* and Security to the
like value, to make his Appearance at
the Kings-Bench-Bar, the 12th of Nov.

After this, was read the Answer the
Fellows returned to his Majesty upon
his Command to them, upon the 4th of
Sept. to elect the Bishop of Oxford: the
Answer was under the hand of a publick
Notary, subscribed by all the Fellows,
then present, except Mr. Charnock. The
Bishop of Chester was pleased to charge
the Fellows of unmanliness, for send-
ing such an Answer to their Place, after
such a manner.

By Court. Adjourn'd till Tuesday the 25th, at Eight in the Morning.

TUES.

TUESDAY the 24th of October.

When the Court met, Dr. Stafford offered a Paper in answer to what was objected on Friday, that a Mandate implied an Inhibition; which their Lordships having perused, would not suffer to be read publicly; but ask the Fellows whether they would sign it, bidding them to do it at their best.

A Copy of Dr. Stafford's and Dr. Fairfax's PLEA.

To the Right Reverend and Right Honourable his Majesty's Commissioners for the Visiting of St. Mary Magdalen College in Oxford.

May it please your Lordships,

ON Friday last, in the afternoon, you seem'd to insist very much on this, *viz.* That his Majesty in commanding the Fellows of the said College to Elect Mr. Farmer President, did thereby inhibit them to Elect any other Person whatsoever: which has not yet been made appear to be Law, either out of the Books of Civil, Canon, or Common Law. Neither is it agreeable to Reason, that a Command to Elect a Person incapable, should include in it an Obligation not to Elect a Person capable, that being a kind of contradiction. Yet this being granted, it cannot in the least affect the said Fellows, or invalidate their Election of Dr. Hough, notwithstanding his Majesty's Mandate in behalf of Mr. Farmer, who being incapable of the place, the Fellows cannot be said to be guilty of any Disobedience or Disloyalty, in proceeding to the Election of another Person who was qualified according to Statute; being forced to make an Election: For they are oblig'd by the Statutes of their College, which call'd together to Elect a President, or any Officer under pain of perpetual Excommunication from the College, to meet and make an Election; which punishment they incur *ipso facto*, who either refuse

Then the Fellows had leave to withdraw into the Hall, and not being satisfied that it was necessary to sign a Plea, which their Lordships refused to have argued, they returned the Paper into the Court, subscribed only by Dr. Fairfax and Dr. Stafford. The latter, after some debate, desired to withdraw, but Dr. Fairfax stood to it.

to meet when so call'd, or being met, to nominate or elect a person into the Office void, as appears by the Statutes of the said College: *Statuta de numero Scholasticorum et electione Presidentis.* Now, according to the Founders direction in the said Statute, on the 15th of April last, the Fellows were call'd together by the Vice-President to Elect a President in the place of Dr. Clark deceased, and the Oath desired to be taken before the Election was administered by the Vice-President to them, whereby they are oblig'd, to nominate and elect a person that either is or has been Fellow of Magdalen College or New College in Oxon; which Oath when the Fellows had taken, it was not in their power to elect Mr. Farmer, and yet they were then oblig'd to make an Election, under pain of perpetual excommunication from the College, as appears by the aforesaid Statute. And it cannot be imagin'd that his most Sacred Majesty did expect that the Fellows should be either perjur'd, or forfeit their Right to their Fellowships, rather than disobey his Command; his Majesty having most graciously declar'd, that Conscience ought not to be forced, and that none of his Subjects should be molested in the enjoyment of their Rights and

Privi-

Privileges, &c. Now that our Proceedings at the Election cannot lay any imputation of our Disobedience or Disloyalty upon us, will thus be made appear: Either we had the power to elect a President, or we had not; if we had not, to what end or purpose did his Majesty command us to elect one? if we had, our power was either restrain'd to Persons so and so qualified, or we were at liberty to chuse whom we pleas'd; but we could not do the latter, as appears by our Statutes: and therefore we could not elect Mr. *Farmier*, being not invested with any power to elect a Person unqualified. And if we had so done, our Election would have been null and void in it self, and the Person elected liable to be turn'd out by our Visitor.

After this Mr. *Wiggins*, Chaplain to the Bishop of *Oxford*, was called in, who delivered a Paper empowering him as Proxy, to be installed President for his Lord; which being read, together with the King's Mandate for the Bishop of *Oxon*; which Letters is as follows. The question was put to two or three of the Seniors, Whether they would assist at this Instalment? which they refusing, the Court Adjourned to the Chappel, where the Bishop of *Exeter* put Mr. *Wiggins* into the President's Stall, where he took the Oath which the Statutes enjoin the President at his Admission, and the Oaths of Allegiance and Supremacy; the latter of which he was ordered to take upon his Knees, which he accordingly did. Then their Lordships conducted him to the Door of the President's Lodgings, where knocking three times, and the Door not being opened, they returned to the Common Room, and Commission'd *Atterbury* and a Tiplast, to fetch a Smith to force it open, which was done, their Lordships being present all this while. None of the Fellows, except Mr. *Chetnoek*, assisting, or being so much as present at either of these performances. Then the Commissioners

As for the Decree of his Majesty's Commissioners (in pursuance of which your Lordships have admonish'd Doctor *Hough* to recede from the place of President, and quietly to resign the Keys of his Office, and have struck his Name out of the Colledge-Book) we humbly conceive it to be null and void in it self, to all intents and purposes, Dr. *Hough* being thereby depriv'd of Freehold for life, (of which he was duly and legally possessed) without ever being call'd to defend his Right, or any Misdemeanour objected against him. Wherefore we humbly beg leave of your Lordships, that Dr. *Hough* may be permitted to defend his Right and Title to the Presidency at Common Law, before any other Person is put in possession of the place.

Thomas Stafford.

Hen. Fairfax.

being returned to the Common Room, Dr. *Fairfax* desired leave, at their lectures, to speak; which was granted.

Dr. *Fairfax*. My Lords, your Lordships have been doing of what I can by no means content to.

Bish. *Ch.* You are big to be delivered of your own destruction. Will you submit to the Bishop of *Oxon*, as now installed, President, by virtue of the King's Mandate?

Dr. *Fairfax*. I will not; I cannot; because we have a Statutable and legal President already.

Then the same Question was put to the Society, which being a business of moment, they desired time till the Afternoon to consider it.

Then the Court Adjourned till Three a Clock; at which time the Answer was given in by the Society, (except Dr. *Fairfax*, who had given his in the Morning) That whereas His Majesty hath been pleased by his Royal Authority to cause the Right Reverend Father in God, *Samuel* Bishop of *Oxon*, to be installed President, we whose Names are hereunto Subscribed, do submit, as far

* as is lawful and agreeable to the Statutes of the Colledge, and no way prejudicial to the Right and Title of Dr. Hough.

This Answer was accepted, except the last Clause; which the Lord Chief Justice, and Barron Tenner, declared, as Judges, to be insignificant, since nothing they could do, could any way invalidate Dr. Hough's Title, but left them still at liberty to be Witnesses for him, or any other way be serviceable to him in the recovery of his Right. Upon this assurance, the Society was prevailed with to leave out the last Clause.

Then all were commanded to withdraw: And Dr. Fairfax being called in, the Bishop asked him what he meant by his Paper abovementioned, Date October the 22d; and whether he did submit to the Authority of the Court?

Dr. Fairfax. As I have denied it above, so I do here.

Then the Court was opened; and the Doctor complained before them all, that he was twice Closteted, and being asked, Whether he would obey the Court and Bishop of Oxon? he plainly denied both. Upon which the *Bustery-Book* was called for, and the Bishop of Chester commanded his Name to be struck out: And this Sentence passed, *Viz.*

Forasmuch as you have denied the Authority of the Court, and refused to obey the Bishop of Oxon, whom the King hath made your President; and taken Commons after your Suspension: We declare your place void, and command you quietly to depart the Colledge within fourteen days.

Dr. Fairfax. My Lords, all the huge Calamities that have befallen me, are of the sole account of a Religious and Conscientious Observation of our Pious Founder's Statutes; whose Bread I have eaten almost this Thirty Years.

L. C. J. No Speeches: besides, if you have any Papers, instead of reading them, leave them in the Court.

Then, with much ado, the Doctor prevailed with them to let him read his Protestation, which he left in the Court.---

I Henry Fairfax, Fellow of St. Mary Magdalen Colledge, do under my former Answer heretofore made, and to the intent it may appear that I have not consented, nor agreed to any thing done against me, and to my prejudice, I protest that your Sentence given here against me, is *Lex nulla*, and so far as it shall appear to be *aliqua*; I do say it is *iniqua & injusta*, and that therefore I do from it, as *iniqua & injusta*, appeal to our Sovereign Lord the King, in his Courts of Justice, as the Laws, Statutes, and Ordinances of the Land will permit in that behalf. Subscribed

Oct. 25, 1687.

Henry Fairfax.

This Protestation was over-ruled, and a Copy of the Sentence denied, though most earnestly desired at the Instance of Dr. Hedges, and Mr. Vice-Chancellor, two days after.

At the close of the Sessions, their Lordships declared, that they were very well satisfied with the Answer the Society had given them; and though before they had laid a Libel to their charge, yet, that Night, they declared, they had met with nothing from them but Civility, and that they should receive the same from them; that they had shewn themselves men of excellent tempers this day and before; and that they would represent it faithfully above to their advantage, and that if it any way lay in their power to serve them, they should be very ready to do it.

Then they Adjourned till Wednesday-Morning, ordering them to bring in their Answer to the following Questions:

I. What

- I. What Gifts and Provisions have you
for Entertainment of Strangers?
II. What is the Value of it?

III. How it is applied?

- IV. And where is the Place of Entertain-
ment?

W E D N E S D A Y, Octob. 26, 1687.

IN the Morning they made it apper to their Lordships very satisfactionly, that they were obliged to give in Charity-money, 21. 3s. 4d. and that besides that, they gave *communio annis*, almost 100 L. as appeared by a Paper they then delivered in. Upon this their Lordships were pleased to expatiate upon their generous Bounty and Liberality, saying the Complement of this Account was groundless, and that it would

Induce the King to a better belief of them in all other matters.

Then a Petition of Dr. Rogers, late Organist, was given in, desiring to be restored, which was read; but several Misdemeanours being proved against him, it was thrown out; and he advised to rest satisfied with 30 pound per annum, which the Colledge had bestowed on him when they turn'd him out of his Place.

T H U R S D A Y, Octob. 27, 1687.

THIS Morning they received a List of Leaves, &c. which had been renew'd two years last past: Mr. Chernock, the new Convert, asked their Lordships, Whether those Leaves stood good, which had been Sealed since Dr. Hough's Election? The Lord Chief Justice answer'd; Yes; for Corporations always stick by their Seals. Then their Lordships perus'd the

Colledge Registers, and finding nothing in them to object against, they were returned, and the Court Adjourn'd till the Afternoon: At which time their Lordships told them, That having received no Express from above, as they expected, they would Adjourn till Friday at Eight in the Morning.

F R I D A Y, Octob. 28, 1687.

THE Commissioners being Seated, all were commanded to withdraw: then only the Fellows were called in, and the Bishop of Chester said they had represented them fairly to the King; but that His Majesty expected some farther Submission, which they advised them to make, by acknowledging their contempt to His Sacred Majesty in Person, and to His Letters; and that they should promise to behave themselves Loyal for the future; and that they

should some ways own the proceedings and legality of the Court, and implore His Majesty's Pardon, and lay themselves at His Feet.

The Fellows making a Rule passe, the Bishop of Chester told them, they might Word it themselves; or if they thought fit Mr. Tucker should assist them in a Form: Then all the Fellows withdrew into the Hall, and drew up the following Answer:

May

May it please your Lordships,

WE have endeavour'd in all our Actions, to express our duty in all Fidelity to His Majesty, and being conscious to our selves, that in the whole Conduct of the business before your Lordships, we have done nothing, but what our Oaths and Statutes indispensably oblige us to, we cannot make any Declaration, whereby we acknowledge that we have done any thing amiss, having acted according to the Prin-

ciples of Fidelity, and Obedience, in far as we could, without doing violence to our Consciences, or prejudice to our Rights, (some of which we humbly conceive the Electing a President to be) from which we are sworn upon no account whatsoever to depart. We therefore humbly beg your Lordships to represent this favourably, with our utmost Duty to His Majesty, whom God grant long, and happily to Reiga.

Upon their Lordships perusing of the answer, they expressed their dislike of it, saying, it did not come up to the Address sent to his Majesty at Bath which was read; to this it was replied, that they hoped their behaviour since, had been every way answerable to what they had therein promised. Then their Lordships said, that it did not come up to what they delivered in on Tuesday.

Dr. Bayly. My Lords, we have acted conformable to our selves, and truly my Lord, I cannot possibly confess any crime.

Bish. We do not expect of you to confess any Capital crime, only to make some acknowledgement.

Mr. Fulham. My Lord, We were ordered to address our selves, as having acted in contempt of his Majesties Authority, which my Lord, I look upon me to give a crime; that on no account I would be guilty of it. My Lord, we have endeavour'd to obey his Majesty to the utmost of our power, and seeing your Lordships were pleas'd to accept our answer on Tuesday, I humbly conceive your Lordships Honour is engag'd, that nothing further be required of us.

Bish. You are a very forward speaker, and abound in your own sense.

Mr. Fulb. My Lord, I hope Your Lordship will give me leave to speak, when our Fortunes are so considerably at stake.

Then Dr. Bayly desired of their Lordships, to give him leave to explain, what he meant by the word Submit in his An-

swer on Tuesday; because (saith he) I hear your Lordships understood more then was meant, and least your Lordships should go away under a mistake, by the word Submit in the former Answer, I did not intend any future Obedience to the Bishop of Oxford; but meant it in reference to the Kings Authority, inasmuch as I did not oppose or resist the Bishop of Oxford's installment.

Upon this, a fresh question was put to the Fellows, whether they would obey the Bishop of Oxford as their President in *lectis & hominis*; to which all except one or two answered, they could not obey the Bishop of Oxford as their President.

Then Mr. Fulham was particularly asked the question.

Mr. Fulham. Dr. Hough being duly elected and admitted President doth thereby obtain a right, which I am not satisfied he hath any way forfeited, and therefore can obey no person as President.

Bish. Ch. Will you obey the Bishop of Oxford as in Possession?

Mr. Fulb. I cannot, because the Bishop hath not lawful Possession.

Then he was asked wherein?

Mr. Fulb. He hath not Possession in due form of Law, nor by proper Officers: I am informed that the proper Officers to give possession of a Freehold, is the Sheriff with a *Posse Comitatus*.

L. C. 7. Pray, who's the best Lawyer you or I? Your *Oxford* Law is no better then your *Oxford* Divinity: If you have a mind to a *Posse Comitatus*, you may have one soon enough.—

Mr. Fulh. My Lords, I intended nothing but respect to your Lordships, and have endeavour'd to speak and behave my self with due reverence, and I hope your Lordships will put a favourable construction on what I said.—

Then all were commanded to withdraw, and the *Buttery-Book* was called for, and after that, Mr. Fulham was sent

for in; and by the Bishop of *Chesler* suspended as followeth.—

Bish. of Ch. Mr. George Fulham, We have thought fit to Suspend you from the Profits of your Fellowship during His Majesties Pleasure, for your contempt and opprobrious Language.—

Then they Adjourn'd till *Wednesday*, the 16th. of *November*, Ordering the absent Fellows to be sent for home against that time. So they immediately went for *London*.

WEDNESDAY, *November the 16th. 1687, at Nine in the Morning.*

THE Lords Commissioners being late: The first thing they did, sent for the *Buttery-Book*; then called for Mr. *Joyner* and Mr. *Allibone*, and entered them Actual Fellows. The former in the Room of Dr. *Fairfax* whom they had Expell'd; The latter in place of Mr. *Endford* lately deceased: All Oaths being dispenced with besides that of a Fellow. That done the Fellows being called, and Reasons given in for those that were absent. The Bishop of *Chesler* spoke a Speech to this effect.

Gentlemen, Your many Contempts, and wilful Disobedience, have occasioned this Visitation, which will end at last in your ruin. This Society of yours has been long exercised in the Methods of Quarrelling; has always been troubled with Faction Spirits, and issy Mutiniers, ever since the Restoration of the late King: You have encourag'd Quarrels among your selves; Quarrels between your selves and President; Quarrels, at length, between your selves and Visitor. For I have often heard your late Visitor complain, that this Society was ever stocked with an unquiet and turbulent Generation. By these steps from quarrelling with the President, and Visitor, you have at last advanced to

the highest pitch of Insolence, to quarrel with your Prince, and affront His Sacred Majesty. I endeavour'd before, at the opening Our Commission, to make you sensible of the Scandal that your Disobedience will bring upon your Religion; how much you stain and dishonour your liberal and ingenious Education, in this Society.

You cannot but know His Majesty is your Supreme Ordinary. You cannot but have read in *Bracton*, who was twenty years Lord Chief Justice under King *Henry the third*: *Nemo Presumat de factis ejus disquirere ne dum contra factum ejus venire*: All Disobedience imprints Pride: For no man can disobey his Governor; but he who thinks himself wiser. The Reputation and Honour of a Prince at home, and His Respect abroad, are chief Standards of a Government. But these Pillars as much as in you lies, you have endeavour'd to shake. And unless His Majesty's Honour and Right be vindicated by us, He can neither be feared at home, nor obey'd abroad. Your Punishment must be as publick as your Crime. It cannot be conceived but His Majesty in Justice, in Honour, in Clemency, and in His Royal Tenderness, could have proceeded otherwise than he has done. On the first of April it

was published that Dr. Clark was dead : On the eleventh a Mandamus was directed to you, for choosing Mr. Farmer. On the ninth you presented a Petition to the Lord President : wherein you laid your selves prostrate at His Majesties Feet, representing to him the Incapacitie of Mr. Farmer, desiring the benefits of His Gracious Declaration for preserving your Rights and Properties, and beseeching him to Nominate another person qualified according to your Statutes in the Election of whom you would shew your ready obedience. So said and so done, Gentlemen, had been very well.

But immediately after the delivery of the Petition, you not waiting His Majesties Answer, proceeded on April the 15th to an Election of Dr. Hough : So that by this Act, which was plainly contrary to His Majesties Authority, whose Mandate did certainly imply an Inhibition ; you directly confronted your former promises of ready obedience, and were resolved to give the King nothing but good words ; when you had done this, as men of ill designs, are always in haste for a confirmation of it, you immediately went and surprised your Visitor, and by that means perswaded him to confirm Dr. Hough, that very day he received an order from the Lord President to the contrary.

Upon this News the King was much amazed, and required an account of your Proceedings ; therefore the Lords Commissioners issued out a Citation, and after hearing the Plea : Upon mature Consultation with the Learned of both Laws, judged the pretended Election of Dr. Hough to be void and null, and him to be removed, by an Instrument dated the which was affixed on the Gate. After this a Mandate was sent on the to you to Elect the Bishop of Oxon ; upon which terms His Majesty was graciously pleased to dispencc with your disobedience thereto. But this being disobeyed, His Majesty in Person on the 4th of September sent for you to Christ Church, and required you immediately to Elect the Bishop of Oxon President. You went thither to the Chappell, a place one would think should have inspired more Devotion and Awe of his Sacred Majesty in you ; and there con-

temptuously Subscribed and Signed a Paper, directly thwarting his Majesties Command. The ground of your disobedience you pretend that you could not Elect him, whereas you could not but know by a written Mandate that lay by you, that admission would have satisfied His Majesty. Conscience the stale Topick of Rebellion was here brought to vindicate your petulant and contumacious behaviour. You pretended that you were obliged by Oaths, and I am sorry that at the same time you forgot that of Allegiance. And indeed there is not a greater sign of Hypocrisie, than partial obedience. Had you any respect to the Father of your Country, and your Mother the Church, you would have Sacrificed your pretended Scruples, as a peace-offering to to the King. The best of us I am sure, have reason to beg God and the Kings pardon. But you, as if His Majesty Reigned by courtesie, would have a King under you, but none over you. You urged the observance of your Statutes, of which as it hath appeared, you have not been so constant observers, when your own humor prompts you to a dispensation, then you can readily embrace it ; witness but that of being served per Malesculos, by which great Scandals have come to this Society, by reason of Bards.

But when the King interposed, in whose power alone it is to dispencc with them, then you presently act according to such methods as these. None of these pretences will ease you with wise and sober men.

This was the only opposition His Majesty in his Progress received : Where-ever his Sacred Majesty came, he worked a miraculous Conversion, except in Oxford ; and so far satisfied every one with the equity of his Proceedings, that none went away discontented from his Presence, unless it was for this reason, that they could not enjoy it any longer.

October the 20th, We came down, and upon opening our Commission, I took care to represent to you the heighthness of your Offence, and to perswade you to a serious Repentance ; but all in vain.

For on Saturday-morning we required you to Admit and Install the Bishop of Oxon ; which all, except three, refused : In

he Afternoon Dr. Hough having been desired, and by us commanded to depart the College, came unto us without any leave, but not without great Attendance; Circumstances, I think, much unbefitting a man pronounc'd Expell'd; and there entered a P R O T E S T A T I O N against all that we had done, or hereafter should do, as Illegal, Unjust, and Null; which he delivered not in Writing, but by Word of Mouth: a thing repugnant to the nature of all Appeals; and which was worse, without the usual Salvo to His Majesty's Supreme Power. When he had spoken it, there followed such a Tumultuous, Seditionous, and Insolent Humour, which if your selves had not applauded, or at least consented to it, was impossible but that you would have discovered some of those Absineths. However, since his Carriage and Language gave occasion to it, 'twas thought fit that he and his should be obnoxious; and accordingly he was bound over.

On Tuesday we our selves caused the Bishop of Oxon to be Installed by his Proxy; after which we proposed to you, Whether, being now Installed, you would submit to him licitly & honestly? To which, you gave an Answer under your Hands in the Affirmative. You then also desired of us to represent your Case favourably to His Majesty, giving all assurance of your Loyalty and Obedience. But this assurance of Submission lasted not long; for on Thursday, being required of us to Subscribe such a Submission to His Majesty as we thought agreeable to your Duty, you required time to consult of it; and after deliberation, Sign'd such a Paper, which seem'd rather to be a Protestation against your former

Submission, than an Acknowledgment of your Crime. Upon this we might justly then have proceeded to an Expulsion; but we thought fit, in Compassion to you, to take a Journey to London, and acquaint His Majesty with your Dissentions and ungrateful Behaviour. His Majesty was extremely angry: That His Clemency should be despised; but yet, to your comfort he is spoken, His Patience and Goodness extends as far as your Provocations can: But if you still persist in your Obstinacy, those that are too Tall to Stand, and too Stubborn to Bend, deserve to be Broken. And now, I think, I have said enough to let you know, that the Pigs-leaves you have so artistically Ribbed together, are not sufficient to cover your Nakedness. I wish to God you had the same tenderness for your Conscience, as His Majesty's Commissioners have for you. But if you still persist to oppose the Royal Power of the King, we who are come to vindicate the Right and Honour of His Majesty, resolved to discharge our Consciences and Duties to God and the King, without any respect of Popularity; that's but the Paradise of Fools, and Scorn of Wise Men: and therefore, as for us, we have no more regard to Peoples dislike, than what they dream: By reason therefore of your late Hypocritical Submission, the Commissioners had thought fit, upon mature consideration, to draw up an Instrument which shall be read to you, to which, if you shall immediately subscribe, before you leave the Room, we shall leave you to His Majesty's Pardon: And this we expect from you all, except Mr. Tho. Smith and Mr. Charnock, with whose Behaviour the King is so well satisfied, that he expects no more from them.

Then all the Fellows being called in, their Lordships read a Form of Submission to them to be Signed. Which take as followeth:

To the KING's Most Excellent MAJESTY.

The Humble Petition and Submission of the Fellows of *St. Mary Magdalen College* in the University of *Oxon*, whose Names are Subscribed.

W *His Four Majesties* most humble Petitioners, have a deep sense of being justly fallen under *Your Majesty's* Displeasure, for our disobedience and contempt to *Your Majesty's* and to the Authority of *Your Majesty's* Commissioners and Visitors: We do in all humility prostrate our selves at *Your Majesty's* feet, humbly begging

Your Pardon for our said offences, and promising that we will for the future behave our selves more dutifully, and as a Testimony thereof we do acknowledge the Authority of *Four Majesties* said Visitors, and the Justice of their Proceedings: And we do declare our entire Submission to the Lord Bishop of *Oxon* as our President.

To which Paperalls (except *Dr. Thomas Smyth*, and *Mr. Chirnoch*) refused to Subscribe.

Dr. Aldworth as Vice President was first called in to sign the Paper which had been read to all the Fellows.

Mr. President. My Lords, we desire time to consider of it, and to give our answer in Writing.

Bish. Ch. No, You must every one Sign, or refuse as you are called.

Bar. Fenner. There is no answer to be given, but ay, or no.

They all moved again for time, but was refused.

Mr. Pr. My Lords, this is the first time of my appearance before your Lordships since your sitting here, and therefore I pray to be heard.

My Lords, I am as ready to comply with the King's pleasure, as any man living; neither do I know, that we have ever in this place been disobedient to the King, where it was in our power to obey His Commands: Our Founder in the first clause of the Oath we take at this Election, has provided; that no one shall be President of His Colledge, but who was bred in it, or in the Colledge where he himself was bred. Now for us who have Elected *Dr. Hough*, a Per-

son qualified according to our Statutes, who has been installed, Sworn, Confirmed, and Approved of in all the ways and manner prescribed in the Statutes for us. My Lords, to accept and admit of a Stranger, and a Foreigner in his place, is to the best of my understanding, a giving up the Rights of the Colledge to other uses then the Founder designed it. Here he was interrupted.

Bish. Ch. Your Statutes are over-ruled by the King's Authority.

V. Pr. My Lords, Your Lordships sit here as the Visitors; which implies, there are certain Laws and Statutes we are bid to observe, and by which we are to be govern'd; and if it shall appear to your Lordships, that we have acted conformably to these Statutes, I hope we shall neither incur the Kings displeasure nor your Lordships. The whole Tenour of our Statutes run, That we should inviolably maintain our Rights, and observe the Rules of our Founder; He has laid his Curse upon us if we vary from them. (Here he repeated the words of the Founder) *Ordinamus sub pena Anathematis, & indignationis Omnipotentis Dei, &c. Item sub interminatione Divini Judicii interdicimus.*

Bish. Ch.

Bish. Ch. Are you not to obey the King as well as the Founders Statutes?

V. Pr. My Lord, I ever did obey the King, and ever will: Our Statutes which we are sworn to observe, are confirm'd by several Kings and Queens before and since the Reformation, and as we keep them, are agreeable to the Kings Laws both Ecclesiastical and Civil, and so long as we live up to them, we obey the King.

Bish. Ch. Your Statutes were never confirm'd by His Present Majesty.

Dr. John Smyth. My Lord, Neither have they been repealed by His Majesty, and what is not repeal'd is confirm'd.

Then their Lordships pressing to sign or refuse; the *Vice President* said,

V. Pr. My Lords, I'll then deal plainly, in regard to my Oath and the Statutes, to the right of all our Successors and of *Dr. Hough*, whom I believe to have been as fairly Elected, and as legally possessed as ever any since the Foundation of the Colledge: I cannot submit to the Bishop of *Oxon* as President. So he was ordered to withdraw:

Then the same question was put to all the other Fellows singly, who all refused to sign the submission, (except *Dr. Thomas Smyth* and *Mr. Chernoock*, who were not prest for the Reasons above.)

Mr. Thompson being called in to sign the Paper, said

Mr. Thompson. My Lords, I have been always obedient to His Majesties Com-

mands, I was not concerned in the Election of *Dr. Hough*; I voted for *Mr. Farmer*, and am ready to submit to the Bishop of *Oxon*.

Bish. Ch. Did you not put your hand to this Petition? Is not this your hand—Read the Petition—It was Read.—In which the Fellows desired His Majesty, to nominate any qualified Person, and to retract His Mandate granted for *Mr. Farmer*.

Mr. Thompson. My Lord, I conceive the Petition not to be disobedient. We had not yet receiv'd the Mandate, as soon as it came, I humbled my self.

Bar. Fen. Then why can't you humble your self again; is there any hurt in it.

Mr. Thompson. This Paper requires me to own my disobedience to His Majesty; I am not conscious of any, and therefore I cannot Subscribe.

After a short time, all who refused to sign the Submission were called in, and by Sentence of their Lordships, expell'd the Colledge for Contempt, &c. (except as before)—After Sentence, all that were expell'd spoke to this Effect:—'My Lords, we profess all Duty to the King and Respect to your Lordships, but must beg leave to declare; That we think our selves injur'd in your Lordships proceedings, and therefore protest against them, and shall use all just and legal ways of being Relieved.—'

After a short time, an Instrument was fix'd on the Colledge-Gates, in these words.

By

By his Majesties Commissioners for Ecclesiastical Causes, &c.
*particularly Authorized and Impowered to Visit St. Mary
 Magdalen Colledge in the University of Oxon.*

WHereas in our Visitation
 of the said Colledge, it
 appeareth unto us, that Doctor
*Charles Aldworth, Dr. Alexander
 Pudsey, Dr. John Smith, Dr. Tho.
 Bailey, Dr. Tho. Stafford, Master
 Robert Almond, Mr. Manwaring
 Hamond, Mr. John Rogers, Mr.
 Richard Strickland, Mr. Henry
 Dobson, Mr. James Bailey, Mr.
 John Davies, Mr. Francis Bag-
 shaw, Mr. James Fayrer, Mr. Jo-
 seph Harwar, Mr. Tho. Bateman,
 Mr. George Hunt, Mr. William
 Cradock, Mr. John Gillman, Mr.
 Geo. Fulham, Mr. Charles Penny-
 ston, Mr. Robert Hyde, Mr. John
 Terbury, Mr. Robert Holden, and*

*Mr. Stephen Wilks., Fellows of
 the same Colledge, have been
 severally guilty of Disobedience
 to his Majesty's Commands,
 and obstinately contemn'd his
 Royal Authority, and do still
 persist in the same: We have
 thought fit, upon mature consi-
 deration thereof, to Declare,
 Pronounce, and Decree, That
 the said Dr. Charles Aldworth,
 &c. and every of them, be De-
 prived and Expelled from their
 respective Fellowships: And we
 do by this our Sentence and
 Decree, Deprive and Expel
 them and their said several and
 respective Fellowships.*

*Given under our Seal, this 16th day
 of November, 1687.*

WHITE-HALL, Decemb. 10.

HIS Majesty's Commis-
 sioners for Ecclesiastical Cau-
 ses, and for Visiting all Cath-
 edral and Collegiate Churches
 and Colledges, &c. met this
 day; and taking into their con-
 sideration all that had passed in
 the business of St. Mary Magda-

*len Colledge in Oxford, and the
 contemptuous and disobedient
 Behaviour of Dr. John Hough,
 and several of the Fellows of
 that Colledge, throughout the
 whole Proceeding, their Lord-
 ships Declared, Decreed, and
 Pronounced, That Dr. Hough,
 Dr.*

Dr. Charles Aldworth, Dr. Henry Fairfax, Dr. Alexander Pudsey, Dr. John Smith, Dr. Thomas Bailey, Dr. Thomas Stafford, Mr. Robert Almond, Mr. Manwaring Hamond, Mr. John Rogers, Mr. Richard Strickland, Mr. Henry Dobson, Mr. James Bailey, Mr. John Davies, Mr. Francis Bagshaw, Mr. James Fayer, Mr. Joseph Horwar, Mr. Thomas Battman, Mr. George Hunt, Mr. William Craddock, Mr. John Gillman, Mr. George Fulham, Mr. Charles Feinysfon, Mr. Robert Hyde, Mr. Edward Yerbury, Mr. Henry Hol-

den, and Mr. Stephen Wilks, should be incapable of Receiving, or being Admitted to any Ecclesiastical Dignity, Benefice, or Promotion: And such of them who are not yet in holy Orders, were adjudged incapable of Receiving or being Admitted into the same. All Archbishops, Bishops, and other Ecclesiastical Officers and Ministers within the Kingdom of England, being required to take notice of the said Sentence and Decree, and to yield Obedience thereunto.

THE 17th of January, 1687. being the day that the Thirty Demies of Magdalen Colledge were, by Summons from the Bishop of Oxon, the new President, commanded to appear before him; and none appearing, Mr. Chernock, the new Vice-President, called for the Buttery-Book, and struck out the Names of
Mr. Holt, Mr. Adams Senior,

Mr. Vesey, and Mr. Straborn, Masters of Art; Mr. Hyde, Mr. Woodward, Mr. Fulham, Mr. Watkins, Mr. Stacy, Mr. Sherwin, and Mr. Kenton, Bachelors of Art; Mr. Cross, Mr. Bosh, and Mr. Wells, Under-Graduates: Which Fourteen were then resident in the University, and Three more, who escaped Expulsion at that time.

F I N I S.

